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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.796 OF 2014

The Divisional Railway Manager, Commercial Department	...Petitioner
V/s.	
Rajendrakumar Mangala, Prop. of M/s.Maruti Enterprises	...Respondent

Mr.Suresh Kumar with Ms.Sangeeta Yadav for the Petitioner.

Mr.Girish B. Kedia for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 15TH APRIL, 2015.

P.C. :-

1. By this petition filed under section 34 of the Arbitration & Conciliation Act, 1996, the petitioner has impugned the arbitral award dated 6th January, 2014, declaring that no licence fee was payable by the respondent herein prior to the date of commencement i.e. for the period between 20th January, 2010 to 26th April, 2010 and the licence fee, if any, collected by the petitioner for the period prior to 26th April, 2010 shall be refunded to the respondents within fifteen days from the date of declaration of the award along with 10% interest.
2. A perusal of the award indicates that the learned arbitrator

has rendered a finding of fact that the petitioner could not hand over the site to the respondent and thus was not eligible to recover any licence fee from 20th January, 2010 to 26th April, 2010. In my view, the finding of fact rendered by the learned arbitrator is not perverse and is passed on the admitted fact that the petitioner had not handed over possession to the respondent before 26th April, 2010. No interference with the impugned award is thus warranted. The petition is devoid of any merits and is accordingly dismissed. No order as to costs.

(R.D. DHANUKA, J.)