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

ARBITRATION PETITION NO.87 OF 2014

M/s.Hareshwar Enterprise Pvt. Ltd. & Ors. ...Petitioners
V/s.
The Thane Janta Sahakari Bank Ltd. ...Respondent

Ms.Meena Sharma with Ms.Bangali i/b Mr.V.R. Kasle for the
Petitioners.

Mr.Bhupesh V. Samant for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 30TH JUNE, 2015.

P.C. :-

1. By this petition filed under section 34 of the Arbitration & Conciliation Act, 1996 (for short "the Arbitration Act"), the petitioners seek to impugn the arbitral award dated 28th December, 2012 made by the arbitrator allowing some of the claims made by the respondent bank.
2. Though the matter was adjourned from time to time, the parties were unable to settle the disputes. The respondent bank has rejected the proposal on the ground that the proposal made by the petitioners was unreasonable.
3. A perusal of the award indicates that petitioner nos.3 to 5

had admittedly not filed the written statement before the learned arbitrator though the petitioners were served with the copy of the proceedings and the notices from time to time.

4. Insofar as the submissions of petitioner nos.1 and 2 are concerned, the learned arbitrator has considered the defence of petitioner nos.1 and 2 and also the pleadings and documents filed by the respondent and has allowed the said claim made by the respondent. The learned arbitrator in my view, has after considering the entire matter, including the documents produced by the parties, has rendered a finding of fact which is not perverse and thus no interference is warranted.

5. The petition is accordingly dismissed. No order as to costs.

(R.D. DHANUKA, J.)