

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO. 758 OF 2015

PLK International Ltd.,
Formerly known as V.D.Impex Ltd. Petitioner

VERSUS

M/s.Nandnandan Silk Mills Pvt. Ltd. Respondent

Mr.S.H.Bohra for the Petitioner.

Mr.Jitendra Ranawat, i/b.Mr.Dharmesh Jain for the Respondent.

CORAM : R.D. DHANUKA, J.

DATED : 9th JUNE, 2015

P.C.

By this petition filed under section 34 of the Arbitration and Conciliation Act, 1996, the petitioner has impugned the arbitral award dated 28th March, 2014 whereas the arbitral tribunal has allowed the claim of Rs.1,04,780/- with interest amounting to Rs.18,591/- and Rs.3,000/- towards arbitration cost.

2. It is not in dispute that though the petitioner had been served with the notices by the arbitral tribunal, the petitioner did not appear before the arbitral tribunal and also did not file any written statement.

3. The learned counsel appearing for the petitioner states that the learned arbitrator did not have jurisdiction to entertain the claim made by the respondent. It is submitted that the petitioner did not appoint any arbitrator. The President of the Bharat Merchants' Chamber appointed arbitrator without consent of the petitioner. It is submitted that the arbitral tribunal has also not considered the

defence raised by the petitioner in their letter dated 12th August, 2013 addressed to the advocate representing the respondent.

4. In my view, since the petitioner did not appear before the arbitral tribunal and did not file any written statement raising any issue of jurisdiction before the arbitral tribunal, the petitioner cannot be allowed to raise that issue for the first time in these proceedings.

5. Insofar as submission of the learned counsel that the arbitral tribunal has not dealt with the contents of the letter dated 12th August, 2013 is concerned, a perusal of the award indicates that the arbitral tribunal has considered the documentary evidence and has rendered a finding of fact.

6. In my view the findings rendered by the arbitral tribunal is not perverse and thus no interference is permitted under section 34 of the Arbitration and Conciliation Act, 1996 with such findings of fact. The arbitral tribunal has awarded a reasonable sum based on the documents produced by the petitioner which were not controverted by the respondent. There is no merit in the petition and the same is accordingly dismissed. No order as to costs.

[R.D. DHANUKA, J.]