

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ARBITRATION APPLICATION NO. 2 OF 2016

Shahaji Sukhdeo Ghumare and Another ..APPLICANTS

VERSUS

India Infoline Finance Ltd. and Another ..RESPONDENTS

....

Mr. Hemant Surve, Advocate for applicants.

Mr. S.W. Munde, Advocate for Respondent No.1.

....

CORAM : T.V. NALAWADE, J.

DATED : 21st SEPTEMBER, 2016

ORDER :

1. The petition is filed to declare that the arbitrator has no jurisdiction over the arbitration proceedings started before him by the respondents. Heard learned Counsel for petitioners.

2. The submission made shows that it was agreement between the creditor and debtor and power was given to the creditor to appoint the arbitrator. Accordingly, an arbitrator is appointed. The arbitrator himself has power to decide the point of jurisdiction. The submissions made shows that such application was moved by the petitioner before the arbitrator and the said application is rejected by the arbitrator. If such

order was made, then such order can be challenged under the provisions of Arbitration and Conciliation Act, 1996 before the appropriate forum. Thus no order can be made in favour of the petitioner in the present proceedings.

3. Learned Counsel for petitioner places reliance on 2012(7) LJSOFT 37, 2013(3) LJSOFT 268 and 2013(4) LJSOFT 59. The facts in the said cases are totally different from the present proceedings. The observations made in those matters cannot be applied with the present matter. In view of the same, application stands rejected.

(T.V. NALAWADE, J.)

SSD