

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

WRIT PETITION NO. 3431 OF 2016

Shri Balaji Shikshan Prasarak Mandal,
Gangakhed and Another

..PETITIONERS

VERSUS

Abhudaya Co-operative Bank Ltd. and Others

..RESPONDENTS

....

Mr. K.J. Suryawanshi, Advocate for petitioners.

Mr. S.S. Deve, Advocate for Respondent No.1.

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CORAM : T.V. NALAWADE, J.

DATED : 21st SEPTEMBER, 2016

ORDER :

1. The petition is filed to challenge the order made by the Arbitrator in arbitration proceeding started by the present respondent for recovery of loan amount given to the petitioner.

2. It appears that application was given at page no. 38 by present petitioner/debtor before arbitrator for giving direction to the other side to produce some record like project report, new schedule of disbursement of the loan amount, etc. The application is rejected by the arbitrator.

3. Submissions made show that the matter is kept for final argument of both the sides by the arbitrator. If the matter is referred by present respondent/creditor for getting award in respect of claim, it is for respondent to prove the claim. If the respondent fails to prove that the amount was actually disbursed, respondent may fail. Further in view of provision of Section 19 of the Arbitration and Conciliation Act, 1996, the procedure for giving decision is governed by this provision and so this Court holds that there is no possibility to interfere in the order made by the Arbitrator in the arbitration proceeding. Petition stands dismissed.

(T.V. NALAWADE, J.)

SSD