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

ARBITRATION PETITION (L) NO. 2030 OF 2015

Mr Carnet Elias Fernandes & Anr.	...Petitioners
VS	
Adv N.F.Kumana & Anr.	...Respondents.

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Mr G.S.Godbole i/b Ashish Mehta for the Petitioners
Mr Rohaan Cama a/w M Shah i/b Anjana Shah & Co. for Respondent No.1.
Mr Bhavik Manek a/w Nikhil Mehta i/b KMC Legal Venture for Respondent No.2.

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CORAM : S.C. GUPTE, J.

JANUARY 19, 2016

P.C. :

This Arbitration Petition challenges the mandate of a sole arbitrator under Section 14 of the Arbitration and Conciliation Act, 1996 ("the Act"). A plea was raised as to the bias of the arbitrator. That application was decided by the Arbitrator under Section 13(3) of the Act. In accordance with the judgment of this Court in **Hasmukhlal H. Doshi & Anr. Vs Mr Justice M.L.Pendse & Ors.**¹ once the Arbitral Tribunal decides a challenge under Section 13(3) of the Act, a petition under Section 14 of the Act on the same subject is not maintainable. Any objection that the aggrieved party may have in this behalf has to be raised as a ground of challenge to the award under Section 34 of the Act. In that view of the matter, there is no merit in the Arbitration Petition and the same is dismissed. It is, however, clarified that the grounds raised in this petition shall not, in any way, be prejudiced and it shall be open to the Petitioners to incorporate these grounds in their challenge under Section 34 of the Act, in case the award goes against them.

(S.C.GUPTE J.)

¹ 2000(3) All MR 350