

* **HIGH COURT OF DELHI AT NEW DELHI**

+ **F.A.O. No.84/2016**

Decided on : 22nd February, 2016

SHIVANSH CHAWLA & ANR. Appellants
Through: Mr. Ashok Kumar Bahl, Advocate.

Versus

M/S. KOTAK MAHINDRA PRIME LTD. & ANR.
..... Respondents

CORAM:
HON'BLE MR. JUSTICE V.K. SHALI

V.K. SHALI, J. (ORAL)

C.M. No.6391/2016 (exemption)

Allowed, subject to all just exceptions.

C.M. No.6390/2016 (delay)

1. This is an application seeking condonation of 16 days delay in re-filing the appeal.
2. For the reasons stated in the application, the same is allowed and delay of 16 days in re-filing the appeal is condoned as 'sufficient cause' has been shown.
3. The application stands disposed of.

F.A.O. No.84/2016

1. This is an appeal filed by the appellants under Section 37 of the Arbitration & Conciliation Act, 1996 against the order dated 29.9.2015 passed by the learned ADJ in Arb. No.168/2013 by virtue of which the objections of the appellants under Section 34 of the Arbitration and Conciliation Act were dismissed.

2. Briefly stated, the facts of the case are that the appellants have taken a loan of Rs.3,72,845/- from the respondent in January, 2004 for purchase of Maruti Esteem car which was repayable in 58 EMIs of Rs.7,528/- each. Thereafter three personal loans amounting to Rs.1,50,885/-, 2,27,431/- and 3,38,262/- were also taken by the appellants. The car loan was liquidated in November, 2008 and first two personal loans of Rs.1,50,885/- and 2,27,431/- were merged into successive loans. On account of non-payment of EMIs, dispute arose between the parties and the matter was referred to the sole arbitrator who passed an award on 24.2.2013 directing the appellants to make payment of Rs.2,69,540.46 along with interest @ 18 per cent per annum to the respondent with effect from 11.8.2010 till payment within one month

from the receipt of the award. He also awarded Rs.9,000/- towards expenses/costs incurred by the respondent on the arbitration proceedings.

3. Feeling aggrieved, the appellants filed arbitration petition bearing No.168/2013 which was also dismissed by the learned ADJ vide impugned order dated 29.9.2015. The learned ADJ rejected the objections of the appellants holding that they have not been able to show as to how the award is against the public policy or any illegality in terms of Section 34 of the Arbitration and Conciliation Act which would warrant setting aside of the award.

4. Still not feeling satisfied, the appellants preferred the present appeal. Even before this court, the learned counsel for the appellants has not been able to show any illegality, impropriety or jurisdictional error in the order dated 29.9.2015 rejecting the award, therefore, it does not call for any interference. Accordingly, the appeal is dismissed.

V.K. SHALI, J.

FEBRUARY 22, 2016
‘AA’