

\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

38

+

O.M.P. 528/2015

ARN INFRASTRUCTURES INDIA LTD. & ORS Petitioners
Through: Mr. Arjun Singh Bhati, Advocate.

versus

RELIGARE FINVEST LIMITED Respondent
Through: Mr. Ajay Uppal, Advocate.

CORAM: JUSTICE S. MURALIDHAR

ORDER

06.10.2016

%

1. One of the principal grounds raised by the Petitioners on which the impugned Award dated 10th July, 2015 passed by the learned Arbitrator is assailed is that the Arbitrator is an in-house Arbitrator of the Respondent and the Arbitrator has made several awards involving the claims of the Respondent. A reference is made by learned counsel for the Petitioner to the decision dated 30th January, 2015 of this Court in OMP No. 1038 of 2014 (*Aditya Ganapa & Anr. v. Religare Finvest Limited*) to urge that on the ground that this very Arbitrator has acted in more than 40 cases and this fact was not disclosed to the Petitioner in that case, this Court had set aside the award under challenge in that case.

2. Learned counsel for the Respondent has produced a copy of the arbitral record. In the proceedings on 5th December, 2014 in the presence of the Respondent, the learned Arbitrator made a disclosure that he was adjudicating more than one claim filed by the Respondent. Apart from that, it is seen that the Petitioner thereafter participated in several hearings and did not raise any objection as to the continuance of the Arbitrator.

3. In Ground 'C' of the present petition, while it has been submitted that there was no dispute between the parties that could be referred to arbitration, the Petitioner states that "there is no denial of liability with respect to the alleged pending instalments and the Petitioners have merely contended that the same shall be paid within a short time as they have been unable to pay the same on account of certain financial constraints."

4. Given that this is the stand of the Petitioners, no useful purpose would be served in requiring a fresh arbitration only on the ground that the Arbitrator has acted as such in other matters involving the Respondent.

5. It is pointed out that the Petitioners had paid 47 of 120 instalments. The question is really about the payment of the balance instalments comprising both the principal and interest amount.

6. Learned counsel for the Petitioners then urges that the Respondent has simultaneously instituted proceedings against it under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ('SARFAESI Act') and that the Petitioner was being subjected to multifarious litigation at the hands of the Respondent.

7. Ultimately, the question boils down to getting the orders issued by the various *fora* executed against the Petitioners. The Petitioner may want to seek reasonable terms for settling the outstanding amount. This is not a sufficient reason to set aside the impugned Award.

8. The petition is dismissed.

S. MURALIDHAR, J

OCTOBER 06, 2016/Rm