

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 231 OF 2017

ASHWIN GARTH DE SOUZA., ... Petitioner
Versus
LOKMANYA MULTIPURPOSE COOPERATIVE
SOCIETY LTD., REP. BY ITS AUT.
OFFICER SHRI. DILEEP KOLE AND 3
ORS ... Respondents

Mr. Parag S. Rao, Advocate for the petitioner.

Coram:- F. M. REIS, J.

Date:- 30th March, 2017

P.C.

Heard Mr. P. Rao, learned counsel appearing for the petitioner.

2. The challenge in the above petition is to the arbitration award passed by the learned Arbitrator in terms of the provisions of the Arbitration and Conciliation Act, 1996.

3. Mr. Rao, learned counsel appearing for the petitioner however submits that the award itself is without jurisdiction as according to him the observations of the learned Arbitrator in the impugned award are contrary to the records available with the Arbitrator. It is further pointed out that no opportunity was given to the petitioner to defend the proceedings initiated by the

respondents. The learned counsel as such points out that the impugned award deserves to be quashed and set aside.

4. It is not in dispute that the challenge to such award is available in terms of the provisions of the Arbitration and Conciliation Act, 1996. As the petitioner has an alternate efficacious remedy, the question of exercising jurisdiction under Article 227 of the Constitution of India would not at all be justified. Hence, the petition stands disposed of. Needless to say that the petitioner is at liberty to challenge the impugned award in accordance with law. All contentions of the parties are left open.

F. M. REIS, J.

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