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

ARBITRATION PETITION NO.109 OF 2017

Shree Laxmi Auto Industries Pvt. Ltd.	...Petitioner
V/s.	
L & T Finance Ltd. & Anr.	...Respondents

Mr.Kunal S. Vaishnav with Ms.kirtika S. Kothari i/b M/s.N.N. Vaishnawa for the Petitioner.
Mr.Anand Poojari with Ms.Nikita Pawar i/b S.I. Joshi & Co. for the Respondent No.1.

CORAM : R.D. DHANUKA, J.
DATE : 3RD NOVEMBER, 2017.

P.C. :-

1. By this petition filed under section 14 of the Arbitration & Conciliation Act, 1996, the petitioner seeks termination of mandate of the learned arbitrator and also seeks that the alleged interim award dated 6th December, 2016 be set aside. Learned counsel for the petitioner does not press the relief in terms of prayer clause (b), which is in respect of the order dated 6th December, 2016 dismissing the application filed by the petitioner raising a preliminary objection as to the maintainability of the arbitration proceedings.

2. The petitioner has filed the petition mainly on the ground that that the learned arbitrator had entertained the reference before expiry of 30 days period from the date of notice and secondly on the

ground that the disclosure made by the learned arbitrator that he was appointed as an arbitrator in number of matters by the respondent was disclosed much later.

3. Insofar as the issue of jurisdiction raised by the petitioner on the ground that the learned arbitrator had entertained the reference before expiry of 30 days period is concerned, the learned arbitrator has already rejected the application filed by the petitioner by an order dated 6th December, 2016. The issue of jurisdiction thus cannot be a ground which can be agitated under section 14 of the Arbitration & Conciliation Act, 1996. If the arbitrator has disclosed his interest in the matter, if any, which according to the petitioner will make it entitle to challenge the appointment of the arbitrator under section 13 of the Arbitration & Conciliation Act, 1996, the same cannot be agitated by the petitioner in this petition under section 14 of the Arbitration & Conciliation Act, 1996. In my view, the present petition is misconceived and is accordingly dismissed.

4. Insofar as prayer clause (b) is concerned, the petitioner can challenge the said order passed by the learned arbitrator along with final award if the petitioner is aggrieved by such final award under section 34 of the Arbitration & Conciliation Act, 1996.

5. No order as to costs.

(R.D. DHANUKA, J.)