

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

**NOTICE OF MOTION NO.1265 OF 2017
IN
ARBITRATION PETITION NO.622 OF 2016**

M/s.Schokhi Industrials Pvt. Ltd. .. Applicant/Petitioner
Vs.
Maharashtra State Power Generation
Company Ltd. .. Respondent

Mr.M.S. Bhandari i/by Ms.Pranjali Bhandari for the applicant/petitioner.
Mr.Sanjay Jain a/w Ms.Krishna Raja for the respondent.

CORAM : R.D. DHANUKA, J.
DATE : 10th November 2017

P.C.:

. By this application filed by the petitioner in Arbitration Petition No.622 of 2016, the applicant seeks an order of remand of the arbitration proceedings with a direction to the arbitral tribunal to give reasons for its arbitral award.

2. Mr.Bhandari, learned counsel appearing for the petitioner invited my attention to the part of the award and more particularly in respect of the claim nos.6 to 8 by which the learned arbitrator has rejected those claims made by the applicant.

3. Learned counsel also invited my attention to some of the grounds of challenge made by the respondent herein in Arbitration Petition No.950 of 2015 challenging the part of the said award. He submits that even the respondent herein has raised a ground that in the

impugned award, the learned arbitrator has not given any reasons in support of its findings to sustain the award which are mandatory under Section 31(3) of the Arbitration and Conciliation Act, 1996. He submits that the learned arbitrator is 80 years old and in view of the fact that the learned arbitrator has not given any reasons in respect of the claims of the applicant while rejecting those specific claims, the award shall be remitted under Section 34(4) of the Arbitration and Conciliation Act, 1996 for giving an opportunity to the learned arbitrator to eliminate the grounds of challenge.

4. Mr.Jain, learned counsel appearing for the respondent, on the other hand, submits that in the grounds raised by his client impugning the part of the award and more particularly ground (L) and (FF) of the Arbitration Petition No.950 of 2015, it is urged that the reasons given by the arbitrator are no reasons in law.

5. A perusal of the grounds raised by both the parties indicates that it is a common ground that no reasons are recorded by the learned arbitrator. In view of this common ground, I have perused the award rendered by the learned arbitrator. Though the learned arbitrator has rejected some claims and allowed three claims and has rejected substantial part of the counter claim, the reasons recorded by the learned arbitrator are not elaborate. But on perusal of those reasons, in my view, it is not a case of 'no reasons' recorded by the learned arbitrator. No case is thus made out for remitting the matter under Section 34(4) of the Arbitration and Conciliation Act, 1996. Whether the reasons recorded by the learned arbitrator are sufficient or not and the effect thereof while

rejecting or allowing the claim made by the parties would be considered at the stage of final hearing.

6. Notice of motion is disposed of in aforesaid terms. No order as to costs.

R.D. DHANUKA, J.