

today, he has submitted that he does not want to make any submission or withdraw the petition.

2. The Petitioners are aggrieved by an order of the learned sole arbitrator, who was pleased to dismiss the Petitioners' application. The Petitioners filed an application purportedly under Section 59 of the Bombay Stamp Act seeking penalty of Rs.17 Crores from the Claimants. The Applicants (Petitioners herein) made the claims, seeking following reliefs in the said application before the arbitrator:

- “(a) All the proceeding till today be declared as null & void, incurium and vitiated and all the expenses including the payment of Arbitrator and charges of counsel be directed to be returned to the respondent with a compensation of Rs. 30 Crores to be paid by Claimant to the Respondents.
- (b) Initiation of appropriate proceedings against Claimant including contempt proceedings be directed.
- (c) Any such other and further reliefs as this Hon'ble court deems fit and proper.”

3. The said application itself indicates that the Applicants had claimed certain reliefs, which cannot be granted in the arbitration

proceedings. Firstly, in prayer clause (a) they have sought a direction, directing the Respondents to pay compensation of Rs. 30 Crores; and secondly, in prayer clause (b) they sought a direction from the learned arbitrator for initiating the contempt proceedings against the claimants. The sole arbitrator after noting the facts in the judgments, on which reliance was placed by the parties, came to a conclusion that the reliefs claimed by the applicants could not be granted under the scheme of the Act and that the arbitration would have to be decided on merits. Similarly, the learned arbitrator has also further observed that so far as prayer clause (b) is concerned, contempt proceedings cannot be initiated, and also observed that no case is made out on merits. It is settled position in law that orders, which are passed by the learned arbitrator during pendency of the arbitration cannot be challenged by filing writ petition in this Court. Writ petition is, therefore, dismissed, as not maintainable.

4. The learned counsel appearing on behalf of the Respondents submitted that on five occasions this petition was adjourned on account of an assurance of the Petitioners' advocate for taking instructions, and thereafter it was placed today. Taking into

consideration the facts and circumstances of the case, we impose costs of Rs. 1,50,000/- on the Petitioners. Costs to be paid within four weeks, failing which the said amount shall be recovered as arrears of the land revenue.

Sd/-
[P. R. BORA, J.]

Vinayak Halemath

Sd/-
[V. M. KANADE, J.]