

\$~

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

7.

+

O.M.P. 395/2014

ANIL KUMAR JAIN & OTHERS Petitioner
Through: Mr. N. Pandey, Advocate.

versus

**CHOLAMANDALAM INVESTMENT AND FINANCE
COMPANY LTD** Respondent
Through: Ms. S. Kapoor, Advocate.

CORAM: JUSTICE S. MURALIDHAR

ORDER

%

19.01.2017

1. It is informed by the learned counsel for the Respondent that on contacting the Arbitrator it was learnt by them that the entire arbitral record got destroyed in the Chennai flood and is therefore unavailable.
2. In that view of the matter, a presumption has to be drawn in favour of the Petitioners that they were not served in the arbitral proceedings. On that short ground, the impugned Award is set aside.
3. The petition is allowed but, in the circumstances, with no order as to costs.

S.MURALIDHAR, J

JANUARY 19, 2017/mg