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

+ O.M.P. 254/2015

PRAKASH CHAND GOYAL(HUF)

..... Petitioner

Through: Mr. Rajiv Talwar, Mr. S. Shantanu,
Mr. Pratap Shanker, Mr. Pushkar K. Sinha
& Ms. A. Shivani, Advocates.

versus

SUNIL WALIA

..... Respondent

Through: Mr. Anand Lochave, Advocate.

CORAM: JUSTICE S. MURALIDHAR

ORDER

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23.03.2017

1. The reason for rejection of the claims of the Petitioner in the impugned Award is that since the firm in respect of which the claim was made was not registered, the bar under Section 69 of the Partnership Act, 1932 would apply.

2. The legal position now stands changed in view of the judgment of the Supreme Court in *Umesh Goel v. Himachal Pradesh Cooperative Group Housing Society Limited (2016) 11 SCC 313* where it has been categorically held as under:

“37. Having regard to our conclusion that Arbitral Proceedings will not come under the expression “other proceedings” of Section 69(3) of the Partnership Act, the ban imposed under the said Section 69 can have no application to Arbitral proceedings as well as the Arbitration Award.”

3. In that view of the matter the impugned Award is set aside. However, it will be open to the parties to go in for the fresh arbitration in accordance with law and for which purpose the benefit of Section 43(4) of the Arbitration and Conciliation Act, 1996 can be availed of.

4. The petition is disposed of.

S. MURALIDHAR, J.

MARCH 23, 2017

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