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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P. (COMM) 438/2016

CHERUKUPALLY SUDERSHAN REDDY & ORS Petitioners
Through: Ms. Puja Shrivastava, Advocate.

versus

RELIGARE FINVEST LTD Respondent
Through: Mr. Ajay Uppal, Advocate.

CORAM: JUSTICE S.MURALIDHAR

ORDER

07.02.2017

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1. The main challenge in the petition to the impugned Award dated 6th June 2015 as set out in ground 'B' is that the Respondent has wrongly furnished an erroneous address of the Petitioners stating that it was their last known address. It is further stated in ground 'B' that the Respondent in Execution Petition No. 169 of 2016 before the Second Additional District Judge, gave "the correct present addresses of the Petitioners and Petitioner No. 1 received the notice in the E.P. on 12th September 2016."

2. The above assertion appears to be factually incorrect as is evident from the documents filed by the Petitioners themselves. The arbitral record has been received and perused by the Court. The opening of the Award sets out the full cause title. The address given for Petitioner No.2 Cherkupally Bharath Simha Reddy (who was Respondent No. 2 in the arbitral

proceedings) is Flat No. 408, Sundaram Apartments, Ramraj Nagar, Suchitra, Hyderabad. The address given for Petitioner No.2 in the EP No. 169 of 2016 as seen from the copy of the summons issued (at page 26 of the documents file) is the same address as in the Award. In fact from the documents in the execution petition as furnished by the Petitioners (pages 28 to 30 of the documents file) the addresses for Petitioners 1 and 3 in the award as well as the execution petition are identical. If indeed even according to the Petitioners, one of them received notices in the execution petition, then it is unlikely they did not receive notice of the arbitral proceedings.

3. From the memo of parties filed in this petition, it is seen that at present the three Petitioners reside at the same address, although it is different from the address at which the summons in the execution petition was issued. Even as per the Petitioners admittedly one of them did receive summons in the execution petition. The record shows that the address for the Petitioners in both the arbitration proceedings and the execution proceedings is the same. Considering that they all presently reside at the same address, even if one of them received the summons in the execution petition, then the other Petitioners would have known of the arbitration proceedings as well.

4. For the above reasons, the Court does not find any merit in the contention that the Petitioners were not served in the arbitral proceedings. There is no other substantive ground on which the impugned Award has been challenged on merits apart from vaguely stating that the Arbitrator did not

check the veracity and authenticity of the documents submitted by the Respondent.

5. The petition is accordingly dismissed but in the circumstances with no orders as costs.

6. Order be given *dasti*.

S.MURALIDHAR, J

FEBRUARY 07, 2017

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