

IN THE HIGH COURT OF BOMBAY AT GOA**APPEAL UNDER ARBITRATION ACT NOS. 5 & 6 OF 2018****APPEAL UNDER ARBITRATION ACT NO. 5 OF 2018**

Sunil M. Tendolkar & 3 Others ... Appellants
Versus
Lokmanya Multipurpose Co-op.
Society Limited ... Respondent

APPEAL UNDER ARBITRATION ACT NO. 6 OF 2018

Sneha S. Tendolkar & 3 Others ... Appellants
Versus
Lokmanya Multipurpose Co-op.
Society Limited ... Respondent

Shri Rohit Bras De Sa, Advocate for the Appellants.

CORAM : C.V. BHADANG, J.

DATE : 13th JUNE 2018

ORAL ORDER:

Both these Appeals can be conveniently disposed of by this common order.

2. The appellants are challenging the award passed by the learned Arbitrator, which has been confirmed by the learned District Judge, in an application under Section 34 of the Arbitration and Conciliation Act, 1996 (Act, for short).

3. The learned Counsel for the appellants has produced a statement. The same is taken on record and marked 'X' for identification. The only contention raised by Shri De Sa, the

learned Counsel for the appellants is that a total amount of Rs.1,95,035/-, as set out in the statement, is not reflected in the statement of Accounts filed by the Bank.

4. Only on such a ground, it is not possible to interfere with the concurrent finding recorded by the learned Arbitrator and the learned District Judge. It is now well settled that the scope for interference available under Section 34 of the Act is limited and the scope for interference under Section 37 would be further limited. I have carefully gone through the award passed by the learned Arbitrator and the judgment of the learned District Judge and I see no reason to interfere with the same. However, it would be open to the learned Executing Court (when the award is sought to be executed) to look into the deposits made to the tune of Rs.1,95,035/- as set out in statement 'X', while executing the award. It is made clear that the examination would be only limited to see whether, the amount as set out (and which are supported by proper receipts), are reflected in the Accounts or not and the Executing Court shall pass appropriate orders. Subject to this, the award is hereby confirmed.

Consequently, both the Appeals are dismissed.

C.V. BHADANG, J.