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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.1002 OF 2016

M/s. Shree Samarth Krupa TravelPetitioner

vs

M/s. Shriram Transport Finance Co. Ltd. ...Respondent

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Mr. Noman A. Jafri, for the Petitioner.

Ms. Deepika Prabhala, i/b. Res Juris, for the Respondent.

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CORAM : S.C. GUPTA, J.

DATED: 21 NOVEMBER, 2018

P.C.:

. Heard learned Counsel for the parties. This petition challenges an ex-parte award passed by a sole arbitrator. The award is passed in a reference, which arises out of a vehicle loan agreement between the Petitioner and the Respondent Finance Company. The arbitrator has noted in his award that despite having notice of the arbitration proceedings and despite having been given an opportunity, the Petitioner never contested the reference nor filed any written statement. The arbitrator has, in the premises, proceeded ex-parte and declared his award. None of the grounds raised in the petition make out any challenge under Section 34 of the Arbitration and Conciliation Act, 1996. The only submission made across the Bar at the hearing of the matter by learned Counsel for the Petitioner is that the Petitioner, though

had notice of the proceeding, was not given any papers, including the statement of claim and documents filed by the Respondent who was the original claimant before the sole arbitrator. None of the grounds raised in the petition supports this case. Whether such request was made and whether copies of the statement of claim or documents were furnished are matters of fact and unless a case is made out in the petition or the grounds of challenge formulated therein, the Petitioner cannot be heard to urge such a case. Learned Counsel for the Petitioner is unable to point out any statement in the petition to this effect. Learned Counsel simply relies on ground (h) of the grounds of challenge stated in the petition. Ground (h) states that the Petitioner's Advocate was present in the matter, except one or two dates but when he asked for certified copies of roznama, the same was denied to him on the ground that the file was handed over to the Respondent. The request for certified copy of roznama and its denial do not make out a case that the Petitioner did not have copies of papers and proceedings in the reference, as a result of which, he could not file his written statement. There is, accordingly, no merit in the arbitration petition. The petition is dismissed.

(S.C. GUPTE, J.)