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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.1110 OF 2016

Mr. Sanjay Shivchandra Lal Arora	Petitioner
vs	
Th Saraswat Co-operative Bank Ltd.	...Respondent
.....	
Ms. Jayamala Raut, for the Petitioner.	

.....
CORAM : S.C. GUPTE, J.

DATED: 13 DECEMBER, 2018

P.C.:

. None appears for the Respondent. Even on the last occasion, i.e. on 25 October 2018, none had appeared for the Respondent, when the matter was stood over as a last chance. The petition has been duly served on the Respondent as far back as in 2016 and an affidavit in proof of such service has already been filed by the Petitioner. Despite such service and despite notice of the admission order, none appears for the Respondent.

2. The petition challenges an ex-parte award passed against the Petitioner herein, who was Opponent No.3 before the arbitrator. The arbitration was under Section 84 of the Multi-State Co-operative Societies Act, 2002. The Petitioner has raised this specific ground in his petition that he had never received any demand notice, notice invoking arbitration and/or has not been served with proceedings of Arbitration

Case No.ARB/SCB/20 Of 2013. There is no reply to the petition contesting this ground. The impugned award does not indicate that the Petitioner herein had notice of the arbitration reference. The reference has proceeded in the absence of the Petitioner herein. Considering the ground of challenge referred to above and considering that there is no contest to this ground, the arbitration petition is allowed by setting aside the impugned award dated 25 September 2014 as against the Petitioner herein (original Opponent No.3 in the arbitration reference). No order as to costs.

(S.C. GUPTE, J.)