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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.628 OF 2016

Mrs.Sheela R. Ohri & Ors.	...Petitioners
V/s.	
The Saraswat Co-op. Bank Ltd.	...Respondent

Ms.Vandana Jaisingh for the Petitioners.

Mr.Harshad Sathe i/b Ms.Swati Sawant for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 18TH JANUARY, 2018.

P.C. :-

1. By this petition filed under section 37(2)(b) of the Arbitration & Conciliation Act, 1996 *inter-alia* impugning the order passed by the learned arbitrator refusing to grant relief in the application filed by the petitioner seeking directions against the respondent to produce all the original ECGC policies along with the proof of payments of premium, entire correspondence with ECGC.
2. The respondent has raised an issue of maintainability of this appeal filed by way of the petition under section 37(2)(b) of the Arbitration & Conciliation Act, 1996. This Court had initially recorded a statement of the respondent that the records of the respondent were not traceable and accordingly adjourned the matter on that

ground. The respondent has already furnished certain documents to the petitioner.

3. It is not in dispute that the application filed by the petitioner before the learned arbitrator was not under section 17 of the Arbitration & Conciliation Act, 1996 and thus this appeal filed under section 37(2)(b) of the said Act itself is not maintainable.

4. The arbitration petition is accordingly dismissed. No order as to costs. The application for continuation of the interim order is rejected.

(R.D. DHANUKA, J.)