

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.459 OF 2019**

Atlantis Entertainments & Anr.

.... Petitioners

V/s

La Calypso Hotel (P) Ltd. & Ors.

.... Respondents

Mr. Rafiq Dada, Senior Advocate with Mr. Parag S. Rao, Advocate
for the Petitioners.

Mr. Ashwin D. Bhobe, Advocate for Respondent No.1.

**Coram :- S. C. GUPTE &
NUTAN D. SARDESSAI, JJ.**

Date:- 3rd JULY, 2019

ORAL ORDER : (Per S. C. GUPTE, J.)

This Writ Petition seeks quashing of Arbitration
Proceedings pending before respondent no.2 Arbitrator.

2. The main ground of challenge to the arbitration proceedings is that there has been a concluded award in respect of the disputes, which are sought to be referred to arbitration. If that is so, it is for the petitioners to raise an appropriate challenge to the jurisdiction of the Arbitrator under Section 16 of the Arbitration and Conciliation Act, 1996 ("Act"). There is no occasion for this Court to interfere in arbitration proceedings which have already commenced. It appears that the petitioners have even participated in the arbitration proceedings. Accordingly, the petition does not merit consideration.

3. Mr. Dada, learned Senior Counsel appearing for the petitioners, submits that initiation and continuation of arbitration proceedings in a dispute which has already been resolved by an award rendered in respect thereof, is an abuse of the process of law. If that is so, it is indeed an abuse, but the point is that arbitration law provides for a remedy within its framework to deal with such abuse. Hence, no interference is called for.

4. The writ petition is accordingly dismissed.

5. It is, however, agreed between the petitioners on the one hand and respondent no.1 on the other, who are parties to the arbitration reference, that the fees of the Arbitrator as also the deposit to be made towards such fees shall only be on the basis of the claim presently before the Arbitrator and not on the basis of any anticipated claim to be formulated later. With this clarification, the Writ Petition is disposed of.

NUTAN D. SARDESSAI, J.

S. C. GUPTE, J.

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