

Vidya Amin

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**ARBITRATION APPEAL (ST.) NO. 30984 OF 2018
WITH
CIVIL APPLICATION NO. 9 OF 2019
IN
ARBITRATION APPEAL (ST.) NO. 30984 OF 2018**

Shriram EPC Ltd. ... Appellant/Applicant

V/s.

M/s. Intervolve Poonawalla Ltd. ... Respondent

Mr. Pralhad D. Paranjape a/w. Manish Kelkar for the
appellant/applicant.

Mr. Aumkar V. Joshi for the respondent.

CORAM : G.S.KULKARNI, J.

DATE : 3rd July, 2019

P.C.:

Heard learned counsel for the appellant and learned counsel for
the respondent.

2. This Appeal under section 37 of the Arbitration and Conciliation Act, 1996 has been filed assailing an order dated 9th April, 2018 passed by the learned Civil Judge Senior Division, Pune whereby an application filed on behalf of the appellant under section 8 of the Arbitration and Conciliation Act objecting to the maintainability of the suit on the ground that an arbitration agreement exists between the parties has been rejected.

3. The appellant had contended that an arbitration agreement exists as contained in general terms and conditions which are part of the purchase order. A copy of the purchase order dated 19th July, 2012 is annexed to the paper book.

4. A perusal of the purchase order does not indicate incorporation of any annexure when it was contended that the general terms and conditions form part of as an annexure to the purchase order. In absence of the purchase order incorporating any annexure, the contention urged on behalf of the appellant that the arbitration agreement as contained in general terms and conditions is required to be recognized, cannot be accepted. Learned trial Judge in paragraph 5 of the impugned order has appropriately held that the purchase order does not contain any arbitration agreement between the parties and more particularly in terms of section 7 of the Arbitration and Conciliation Act. There is no merit in this Appeal, it is accordingly rejected.

5. In view of disposal of Appeal, Civil Application does not survive and the same is disposed of.

(G.S.KULKARNI, J.)