

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO. 550 OF 2016

Ajay Anant Kampali

..... Petitioner

VERSUS

Godrej Infotech Limited & Ors.

..... Respondents

Mr.Rakesh Singh for the Petitioner.

Mr.Mandar Soman, i/b. Mr.Nandkumar Y.Gupte for the Respondent no.1.

CORAM : R.D. DHANUKA, J.

DATE : 10th JULY, 2019

P.C.

By this petition filed under section 44 of the Arbitration and Conciliation Act, 1996, the petitioner has impugned the award dated 8th December, 2012 made by the learned arbitrator directing the petitioner to pay a sum of Rs.2,00,000/- (Rupees Two lacs only) along with cost quantified at Rs.20,000/- (Rupees Twenty Thousand only). Some of the relevant facts for the purpose of deciding this petition are as under :-

2 On 3rd October,2005, the petitioner received an offer letter from the respondent no.1 thereby appointing the petitioner on probation for a period of six months for the total monthly salary of Rs.17,500/-. The petitioner was appointed on the post of ASST.ERP consultant. The petitioner signed a bond on 1st December, 2005 which provided that the petitioner will be provided specialized training at the cost of the

respondent no.1. The said bond also provided that the petitioner had agreed to undergo the training and to utilize the training skills so imparted atleast for a period of 24 months from the time the petitioner commenced his employment with the respondent no.1. It is further provided that in the event of his not keeping the promise and leaving the employment of the company before the expiry of the said period of 24 months from the date of employment commencing his employment with the company, he shall make good the loss that may be suffered by the company by paying a sum of Rs.2 lacs s reasonable compensation.

3. The petitioner was issued appointment letter on 27th January, 2006 providing for basic salary of Rs.7,000/- with an option to resign by giving one month's notice. The petitioner resigned from the services of respondent no.1 by notice of resignation dated 17th August, 2006 giving one month's notice. The respondent no.1 invoked arbitration for recovery of amount of bond. The learned arbitrator made an award on 8th December, 2012 directing the petitioner to pay a sum of Rs.2 lacs quantified at Rs.20,000/-. The petitioner has impugned the said arbitral award in this proceedings.

4. Learned counsel appearing for both the parties jointly state that the issues involved in this petition are concluded by the judgment in **Arbitration Petition No.466 of 2012** dated 16th January,2015 passed by this court in case of **Mr.Milind P.Mane vs. Godrej Infotech Limited & Ors.** with other companion petitions. Learned counsel appearing for both the parties jointly state that this petition may be disposed of on the basis of the law laid down by this court in the judgment dated 16th

January,2015. Statement is accepted. Both the parties through their respective counsel also filed a joint pursis dated 10th July, 2019 in this regard.

5. In my view, the issues involved in this petitions are covered by the judgment of this court delivered on 16th January,2015 in Arbitration Petition No.466 of 2012 with other companion petitions. I am respectfully bound by the said judgment which applies to the facts of this case. I, therefore, pass the following order :-

- (a) Arbitration Petition No.550 of 2016 is allowed in terms of prayer clause (a).
- (b) Impugned award dated 8th December,2012 passed by the learned arbitrator is set aside.
- (c) There shall be no order as to costs.

[R.D.DHANUKA, J.]