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

ARBITRATION PETITION NO.694 OF 2019

M/s.Swastik Realty Pvt. Ltd.	...Petitioner
V/s.	
Shastri Nagar Vaibhav CHS Ltd. & Ors.	...Respondents

Ms.Sakina Kothari i/b Ms.Kranti S.S. Anand for the Petitioner.

Mr.Shyam Kapadia with Mr.Akshay Patil, Ms.Swati Sawant I/b Legal Associates LLP for the Respondent No.1.

CORAM : R.D. DHANUKA, J.
DATE : 26TH JUNE, 2019.

P.C. :-

1. Mr.Kapadia, learned counsel appearing for the respondent no.1 raises an issue of maintainability of this petition filed under section 34 of the Arbitration & Conciliation Act, 1996 on the ground that the impugned order dated 20th February, 2019 passed by the learned arbitrator is neither a final award nor interim award.

2. Learned counsel appearing for the petitioner on the other hand invited my attention to the impugned order dated 20th February, 2019 and would submit that the petitioner had filed an application requesting the learned arbitrator to frame an issue of jurisdiction. Learned arbitrator however has refused to frame an issue of jurisdiction.

3. Even if the arguments of the learned counsel for the petitioner are accepted, the application filed by the petitioner for framing an issue of jurisdiction would not fall under section 16 of the Arbitration & Conciliation Act, 1996. The impugned order dated 20th February, 2019 thus cannot be challenged by the petitioner at this stage. The impugned award is neither final award nor interim award. The petition filed under section 34 of the Arbitration & Conciliation Act, 1996 is thus not maintainable. The petitioner is at liberty to challenge the impugned order along with the final award if the petitioner is aggrieved by the final award.

4. The arbitration petition is dismissed with the aforesaid clarification. There shall be no order as to costs.

(R.D. DHANUKA, J.)