

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO. 524 OF 2017

Hindustan Construction Corporation **Petitioner**

VERSUS

Dy.General Manager (LPG)
Indian Oil Corporation Ltd. **Respondent**

Mr.Udaya Shankar Samudrala, a/w. Ms.Sarita Yadav for the Petitioner.

Mr.Sunil Gangan, a/w. Mr.Jayesh Mestry, i/b. M/s.RMG Law Associates for the Respondent.

CORAM : R.D. DHANUKA, J.

DATE : 3rd JUNE, 2019

P.C.

By this petition filed under section 34 of the Arbitration and Conciliation Act, 1996, the petitioner has impugned the award dated 22nd March,2017 passed by the learned arbitrator rejecting the substantial part of the claims. The award is impugned on the ground that the learned arbitrator has not recorded any reasons in the impugned award while rejecting the prayers of the petitioner (original claimant). It is also impugned on the ground that the learned arbitrator could not have rendered any award in view of his promotion.

2. Insofar as the first submission made by Mr.Samudrala, learned counsel appearing for the petitioner is concerned, a perusal of the award indicates that the learned arbitrator has rendered sufficient reasons while rejecting all the claims. There is thus no substance in

this submission of the learned counsel appearing for the petitioner.

3. Insofar as the submission of the learned counsel for the petitioner that the learned arbitrator was promoted during the continuation of the proceedings and thus he becomes ineligible to continue with the proceedings in view of the amended provision of the section 12 read with schedules 6 and 7 are concerned, it is not in dispute that the petitioner has not raised any such objection before the learned arbitrator and in fact participated in the arbitral proceedings held by the learned arbitrator.

4. In my view, the findings rendered by the learned arbitrator are not perverse and cannot be interfered with this petition filed under section 34 of the Arbitration and Conciliation Act, 1996.

5. The petition is devoid of merits and is accordingly dismissed. No order as to costs.

[R.D.DHANUKA, J.]