

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2019

CORAM :

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

**O.P.Nos.278 to 297 of 2015 &
A.Nos.5291 to 5310 of 2019**

O.P.No.278 of 2015

1. Mr. V.G.Jeyakumar
2. Ms.J.Renugadevi

.. Petitioners

Vs.

1. M/s.Religare Finvest Limited,
D-3 P3B, District Centre Saket,
New Delhi – 110 017.

2. Mr.Nitin Chadha,
Sole Arbitrator,
430, Lawyers Chamber, Western Wing,
Tis Hasari Court,
Delhi – 110 054.

.. Respondents

PRAYER in O.P.No.278 of 2015: Petition filed under Section 34 of the Arbitration and Conciliation Act, 1996 to set aside the Award dated 26.02.2014 passed by the second respondent in Arbitration Case No.RFL/LRN/L-3/936.

For Petitioners : Mr.V.Anand

For Respondents : --

COMMON ORDER

These Original petitions have been filed challenging the Awards dated 26.02.2014 passed by the sole Arbitrator.

2. The main ground on which the petitioners are challenging the Award is that the Arbitrator has no jurisdiction to pass the Awards and no opportunity has been given to the petitioners to defend their case. These Original Petitions are pending from the year 2015.

3. The learned counsel for the petitioner would contend that proper opportunity has not been given to the petitioner. Though various grounds have been raised in the petitions, the main contention of the petitioners is that no opportunity has been given to the petitioners to put forth their defence. Therefore, the Awards have to be set aside.

4. I have perused the entire Awards. On a perusal of the entire Award of the Arbitrator, the same clearly indicate that the parties have appeared before the Arbitrator and copies have been provided to them on 10.12.2013. Thereafter, the Arbitrator has proceeded with the matter exparte, taking note of the fact that despite opportunity given to the respondents, they have not appeared in the arbitration proceedings. Therefore, the Arbitrator considered the

entire documents and finally passed the Awards. That being the case, the contention of the petitioners that the petitioners have not been given opportunity cannot be countenanced. Hence, I do not find any ground as contemplated under section 34 of the Arbitration and Conciliation Act to interfere with the Awards passed by the Arbitrator.

5. Accordingly, these Original Petitions are dismissed. Consequently, the connected miscellaneous petitions are closed. No cost.

29.07.2019

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Index : Yes/ No

Internet : Yes

Speaking/Non-speaking Order

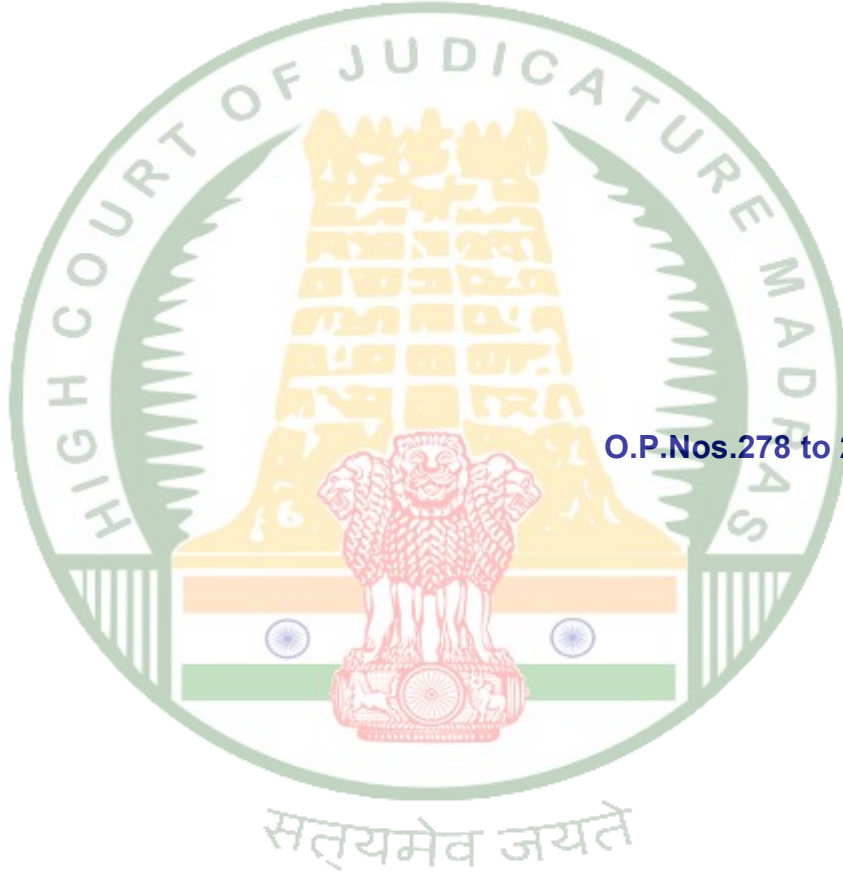
To

1. M/s.Religare Finvest Limited,
D-3 P3B, District Centre Saket,
New Delhi – 110 017.

2. Mr.Nitin Chadha,
Sole Arbitrator,
430, Lawyers Chamber, Western Wing,
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N.SATHISH KUMAR, J.

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