

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO.270 OF 2018**

Dalwinder S/o. Sewa Singh SohalPetitioner

V/s.

Jayant Dinesh Gilatar and Anr.Respondents

Mr. Anand Mishra i/b. Mr. Ashok M. Saraogi for petitioner.

None for respondents.

CORAM : K.R.SHRIRAM, J.

DATED : 8th MARCH 2021

PC. :

1 Heard Mr. Mishra. In paragraph 2 of the Award, the Arbitrator says that petitioner is entitled to Rs.24 lakhs but it is only conditional upon petitioner withdrawing the complaint under Section 138 of the Negotiable Instrument Act which petitioner had commenced against respondents for dishonour of cheques. Such conditional Award itself is fallacious because proceedings under Section 138 of the Negotiable Instrument Act are entirely different from arbitration proceedings. One is for criminal prosecution and other is for recovery.

2 In the circumstances, the Award has to be set aside and is hereby set aside.

3 Arbitration petition accordingly stands disposed.

(K.R. SHRIRAM, J.)