

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition (WP) No. 3225 of 2023

Shri Tirupati Laxman Marchattiwar

Versus

Aditya Anagha Multi State Credit Co-operative Society Ltd. and other

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri C.F.Bhagwani, Advocate for the petitioner.

CORAM : ANIL S. KILOR, J.

DATED : 9th AUGUST, 2023.

The petitioner availed a loan of Rs.1,25,000/- from the respondent no.1 and according to the petitioner more than the principal amount was paid to the respondents and despite this, the respondents approached to Arbitrator who passed an award holding the petitioner liable to pay Rs.1,35,325/- along with future interest @ 18 p.a.

2. On a query put to the learned counsel for the petitioner whether he received any notice of Arbitration proceeding, he is not disputing the fact that he has received the notice in the arbitration proceeding. But his submission is that the petitioner failed to appear in the arbitration proceeding.

3. On another query put to the learned counsel for the petitioner what was the cause for not appearing before the Arbitrator. He submits that due to Covid-19. However, he has not pointed out that even after Covid-19 whether he approached to the Arbitrator to know the status of the proceedings.

4. Even there is a delay in filing the present writ petition which has not been explained by the petitioner.

5. Admittedly, the award was passed on 5th April, 2021 and the present petition came to be filed on 16th January, 2023 i.e. after about two years.

6. Thus, for the reasons stated herein above, I do not want to exercise discretion under Articles 226 and 227 of the Constitution of India in the present matter. Accordingly, the writ petition is dismissed.

[ANIL S. KILOR, J.]

Digitally signed
by
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KUTTAN NAIR
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