

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Arbitration Petition No.38 of 2024

Mr Madhu K Achhra & ors. ... Petitioners

v/s.

M/s Kohinoor Infra-Development
& ors. ... Respondents

Mr Sandesh Patil i/b Mr Chintan Shah for the petitioners.

Mr Girish R Agarwal a/w. Mr Bharat K Bhatia a/w. Priya Dalvi i/b. Mr
Ajit A. Kocharekar for respondents.

CORAM : BHARATI DANGRE, J.

DATE : 1 February 2024

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The learned counsel for the respondents has raised objection about maintainability of the petition under Section 37 of the Arbitration & Conciliation Act, 1996.

The present petition raises a challenge to the order dated 7 November 2023 passed by the Arbitrator thereby refusing to exhibit the vouchers.

The question which arose before the sole Arbitrator before

marking of the vouchers as Exhibits is categorically discussed and the Tribunal directed the respondent to satisfy its authenticity and its relevancy. It is recorded that the respondents as on today had got vouchers of another project which are exactly similar to ones submitted in the current matter and claim it to be exhibited. Recording that the documents which were unstamped, and also strongly objected by the claimants, the Tribunal has denied permission to to exhibit the same.

2. This order is sought to be challenged by filing proceedings under Section 37 which is rightly pointed out by the learned counsel for the respondents, is not maintainable considering the scope of Section 37.

Though the learned counsel for the respondent would make a feeble attempt to point out to me the definition of arbitral award and interim award, I do not think the impugned order fit into this category also. Since the whole conspectus of the Arbitration Act is minimal, interference in the arbitration proceedings, merely because documents are not exhibited, the powers under section 37 definitely cannot be exercised. Hence, dismissed.

SMT BHARATI DANGRE, J.