



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

**955 CIVIL APPLICATION NO. 3906 OF 2026
IN ARBAST/9500/2026**

The Chief Officer, Municipal Council, Degloor

VERSUS

D. M. Engineers Through Proprietor Mahendra Laxmanrao Deshpande

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Advocate for Applicant : Mr. Sunil Vasantrao Kurundkar

Advocate for Respondents : Mr. R. S. Sarvadnya

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**WITH CIVIL APPLICATION NO. 3908 OF 2026
IN ARBAST/9500/2026**

WITH ARBAST/9500/2026

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CORAM : ARUN R. PEDNEKER, J.

Dated : April 23, 2026

PER COURT :

1. **In Civil Application No. 3906 of 2026**, filed for condonation of delay of 36 days in filing the Arbitration Appeal, for the reasons stated in the application, the same is allowed and disposed of.

2. The learned Counsel for the appellant / Municipal Council has taken me through the findings recorded in the award passed by the Arbitral Tribunal and submitted that there was a dispute regarding the very existence of the contract and the contract itself was not established.

3. However, the Arbitral Tribunal has recorded a categorical finding as to the existence of the contract. It is also noted that the work was carried out and part payments were made. In such circumstances, the contention that the contract is not proved cannot be accepted.

4. There is no *prima facie* patent illegality in the award passed by the Arbitrator. Considering the same, no case is made out for interference with the arbitral award.

5. Insofar as Appeal under Section 37 of the Arbitration and Conciliation Act, 1966 filed by the claimant is concerned, the same pertains to the grant of interest at the rate of 6% per annum, and the claimant seeks enhancement thereof. Such enhancement cannot be granted by the District Court in proceedings under Section 34 or Section 37 of the Arbitration and Conciliation Act, 1996. Hence, no case is made out for interference on this count as well. Accordingly, the Arbitration Appeal (Stamp) No.9500 of 2026 stands dismissed.

6. **In Civil Application No. 3908 of 2026**, the learned Counsel appearing for the Municipal Council, on instructions, submits that the arbitral award shall be implemented within a period of ten weeks.

7. In view of the said statement, the arbitral award shall not be executed for a period of ten weeks from today. The execution proceedings, if any, shall remain in abeyance for the said period. The Civil Application No.3908 of 2026 stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.