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NOTICE

It is informed to all students of LL.B. SECOND YEAR that as per **PAPER 2.8 MEDIATION, CONCILIATION AND ARBITRATION** of your syllabus, it is mandatory for every student to attend moot court which shall carry **10 marks. Moot Court Proposition is as follows:**

MOOT PROPOSITION

The Respondent, Shanti Co-operative Housing Group Society invited tenders for construction of 62 dwelling units with basement at Plot No 61, KH 12, Kudi, Jodhpur, in May 2020.

The Appellant, which was an unregistered partnership firm, named Kisaan successfully submitted a bid on 08.05.2020.

The Appellant was awarded the contract at an estimated cost of Rs. 2 Lakhs.

An agreement to this effect was signed between the parties on 02.10.2020.

A dispute arose between the parties with regards to some delay in getting the plan sanctioned.

The Appellant moved the Rajasthan High Court under Section 9 of the Arbitration and Conciliation Act, 1996 to restrain the Respondent from dispossessing the Appellant from the work site and further restraining the Respondent from operating its bank accounts.

On 05.05.2021, Arbitration Award was passed by the Arbitrator wherein the claim of the Appellant was allowed to the extent of Rs. 80,000 along


10.2.24

with interest at the rate of 12% from 01.12.2020 till the date of the award and further interest from the date of the award till its payment at the rate of 18% per annum.

The Respondent did not specifically raise any plea under Section 69 of the Indian Partnership Act claiming a bar on such proceedings. The Respondent challenged the Arbitration Award before the Rajasthan High Court by way of an application under Section 34 of the 1996 Act which was dismissed by the Learned Single Judge.

In the meanwhile, the Respondent filed the review application which was again dismissed by the Learned Single Judge.

The Appellant filed an application in the Supreme Court of India.

ISSUES BEFORE THE SUPREME COURT:

- 1) Whether the arbitral award granted is justifiable or not?
- 2) Whether the Section 69(3) of the Indian Partnership Act, 1932 is applicable to arbitration proceedings or not?

Draft the pleadings accordingly.

4
10.2.27