

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Reserve: 24.4.2009
Date of Order: 15th July, 2009

OMP No. 317/2001

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15.7.2009

BHEL

... Petitioner

Through: Mr. J.C.Seth, Advocate

Versus

Delkon India

... Respondent

Through: Nemo

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

ORDER

This petition has been preferred against the award dated 6th July, 2001 whereby the learned Sole Arbitrator Mr. C.N.Gard allowed the claim of the contractor (respondent herein) and awarded different amounts under different claims in favour of the contractor and rejected all the contentions and counter-claims of the petitioner. The arbitration proceedings in this case and in case of V.D.Swami & Company v. BHEL were proceeding before the same Arbitrator

together. An application was made by the petitioner before the Arbitrator requesting him to recuse himself in this case and V.D.Swami's case on the ground of bias and prejudice.

2. After considering the entire record, this Court has come to the conclusion in OMP No. 215/2001 (BHEL v. V.D.Swami & Company) that the Arbitrator was highly biased and was determined to pass an award against the petitioner in both the cases. The Arbitrator in this case as well in the other case overlooked the entire evidence placed on record by the petitioner. This award is also liable to set aside on the ground of bias and is hereby set aside. The judgment rendered in OMP No. 215/2001 be read as part of this case.

July 15, 2009
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SHIV NARAYAN DHINGRA, J.