

Court No. - 3

Case :- WRIT - C No. - 31948 of 2023

Petitioner :- Satyprakash Tiwari

Respondent :- Union Of India And 4 Others

Counsel for Petitioner :- Pratibha Jaiswal, Kaushal Kishore Mani

Counsel for Respondent :- A.S.G.I., Ramesh Kumar Shukla

Hon'ble Siddhartha Varma, J.

Hon'ble Manoj Bajaj, J.

1. Amendment application filed today be kept on record.

Civil Misc. Amendment Application No. NIL of 2023

2. We have gone through the amendment application, it challenges the arbitral award on the basis of which the recovery was being made. From the arbitral award, we find that a specific figure was arrived at which was being recovered from the petitioner.

3. Learned counsel appearing for the Finance Company states that if the petitioner is aggrieved by the arbitral award he can always avail the remedy as is available under Section 34 of the Arbitration and Conciliation Act, 1996. This argument of the learned counsel for the Finance Company was contested by the learned counsel for the petitioner and he has stated that he can file the writ petition directly to avail the remedy as was available under Article 226 of the Constitution of India. In this regard, he has relied upon three judgments of the Supreme Court passed in ***Punjab State Power Corporation Ltd. vs. EMTA Coal Ltd & Anr. (2020) 17 SCC 93***, ***Deep Industries Ltd. vs. Oil and Natural Gas Corporation Ltd. & Anr. (2020) 15 SCC 706*** and ***Nivedita Sharma vs. Cellular Operators Association of India & Ors. (2011) 14 SCC 337***.

4. A perusal of these judgments shows that the High Court can interfere ignoring the alternative remedy only in exceptional cases. Here we do not find that there were any exceptional circumstances on the basis of which the writ petition could be entertained against the arbitral award.

5. Under such circumstances, the amendment application is accordingly, **dismissed**.

Order on petition

6. The writ petition is accordingly, **dismissed**.

7. All the grounds which have been raised in the writ petition can be raised before the authority which is provided under Section 34 of the Arbitration and Conciliation Act, 1996.

Order Date :- 2.11.2023

M.S. Ansari

(Manoj Bajaj, J.) (Siddhartha Varma, J.)