

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

AA No. 11/2024 c/w
AA No. 12/2024
AA No. 13/2024
AA No. 14/2024
AA No. 15/2024
AA No. 16/2024
AA No. 17/2024
AA No. 18/2024
AA No. 19/2024
AA No. 20/2024

GVPR Engineers Ltd.

.....Applicant(s)/Petitioner(s)

Through :- Mr. Rahul Sharma, Advocate

v/s

Chief Engineer PMGSY JKPCC Building

.....Respondent(s)

Through :- Mrs. Monika Kohli, Sr. AAG

**CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE PUNEET GUPTA, JUDGE**

ORDER

24.12.2024

1. Impugned in these appeals filed by the appellant-company under Section 37 of the J & K Arbitration and Conciliation Act, 1997 [“the Act of 1997”] are orders/judgments dated 03.07.2024 passed by the learned Single Judge of this Court in AA 34/2017, AA 60/2017, AA 36/2017, AA 55/2017, AA 59/2017, AA 56/2017, AA 33/2017, AA 57/2017, AA 58/2017 & AA 41/2017 titled M/S GVPR Engineers Ltd. Vs. Chief Engineer, PMGSY whereby, the learned Single Judge has dismissed the appeals on the ground that

the same have been filed by an unauthorized person having no relationship and authority with the appellant-company.

2. The impugned orders passed by the learned Single Judge are challenged by the appellant primarily on the ground that the impugned judgment took the appellant by surprise, in that, no such objection had been raised by the respondent nor the issue was raised during the course of arguments.
3. Learned counsel for the appellant submits that not only the company is represented by its authorized representative but the authorized representative had in its possession the resolution of the company dated 12.11.2015 and a power of attorney executed by the authorized representative/agent of the company as well.
4. Learned counsel for the appellant passed on a copy of the resolution dated 12.11.2015, which is taken on record and which clearly shows that the appellant-company in its resolution dated 12.11.2015 has authorized Mr. M Naresh Kumar Reddy, Accounts Manager of the Company to sign, execute and deliver the deed of authorization in favour of Sh. Thakur Ashwani Singh. In pursuance of this resolution, the authorized representative of the company Sh. M Naresh Kumar Reddy has executed a general power of attorney dated 18.11.2015 at Jammu authorizing Thakur Ashwani Singh to represent the company before Arbitral proceedings and file/contest petitions before the Arbitral Tribunal, Statutory Authority or Court

of law as also to file/contest and withdraw the petitions in respect of various works including the works in question.

5. In view of the aforesaid, it *prima facie* comes out that Sh. Thakur Ashwani Singh, who had filed the objections under Section 34 of the Act of 1997 before the learned Single Judge, was authorized representative of the appellant-company and that the objections filed were competent.
6. It seems that since the objection was not taken by the respondent before the learned Single Judge, as such, the appellant did not get opportunity to place these documents on record.
7. **Having heard learned counsel for the parties and pursued the material available on record**, we are of the considered opinion that the orders passed by the learned Single Judge are not sustainable and are required to be set aside. ***Ordered accordingly.***
8. The appellant is permitted to place on record the resolution as well as power of attorney and the matter is sent back to the learned Single Judge to consider the same afresh, in accordance with law.
9. **All the appeals are disposed of accordingly** along with connected application(s), if any.

(Puneet Gupta)
Judge

(Sanjeev Kumar)
Judge

JAMMU
24.12.2024
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