

THE HIGH COURT OF TRIPURA
AGARTALA

ARB. A. NO.01 OF 2015

1. The Union of India,
(Represented by the Chief Engineer,
Military Engineering Services,
Shilling Zone),
SPREAD EAGLE FALLS SHILLONG-793011.

2. The Chief Engineer,
Military Engineering Services,
Shilling Zone,
SPREAD EAGLE FALLS SHILLONG-793011.

..... *Appellants*

- *Vs* -

M/s Indrajit Mehta Construction
Private Limited,
44C/9, 1st Floor, Kishangarh,
P.O.-Vasant Kunj,
New Delhi-110070.

..... *Respondent*

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA
HON'BLE MR. JUSTICE S.C. DAS

For the appellants : Mr. A. Roy Barman, CGC

For the respondent : None

Date of hearing &
delivery of
Judgment & order : **29.04.2015**

Whether fit for
reporting :

Yes	No
	✓

JUDGMENT & ORDER (ORAL)

(Deepak Gupta, CJ.)

This arbitration appeal is directed against the judgment dated 13.01.2015 passed by the learned District Judge, West Tripura, Agartala whereby he dismissed the arbitration petition filed by the appellant-Union of India under Section 34 of the Arbitration and Conciliation Act, 1996(hereinafter referred to as the Act) against the award passed by the sole arbitrator.

2. The undisputed facts are that the work in question was allotted to the respondent. After the work was completed, differences cropped up between the parties with regard to the payment. The contractor claimed that he had to do more work than was envisaged under the contract. He accordingly set up as many as 15(fifteen) claims. The arbitrator rejected 8(eight) claims and awarded compensation against 6(six) claims and against 7th claim relief interest was awarded.

3. The main thrust of the argument of Sri A. Roy Barman is that the arbitrator misread the drawing and did not properly appreciate the scope of the appeal. We are afraid that these issues cannot be made subject matter of proceedings under Section 34 of the Arbitration and Conciliation Act. The findings of fact arrived at by the arbitrator are final. The findings of fact even if erroneous cannot be interfered with by the Courts unless the objections raised by the objector fall squarely within the ambit of Section 34 of the Act. No violation of Section 34 has been proved and we find that the learned District Judge rightly rejected the objections. We, therefore, find no merit in the appeal which is accordingly dismissed.

JUDGE

CHIEF JUSTICE