

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No. 2898 of 2004 (O&M)
Date of Decision: 22.4.2015.

Punjab State Industrial Development
Corporation Limited

.....Petitioner

Versus

Ashwani Sekhri and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. G.C.Garg, Advocate
for the petitioner.

Mr. Rahul Sharma, Advocate
for the respondents.

SABINA, J.

Petitioner has filed this petition under Article 227 of the Constitution of India challenging the order dated 22.5.2004 (Annexure P-1) whereby objections filed by the petitioner under Section 16 of the Arbitration and Conciliation Act, 1996, were dismissed.

Learned counsel for the respondents, at the very outset, has submitted that the present petition under Article 227 of the Constitution of India, was not maintainable. In this regard, learned counsel for the respondents has placed reliance on **SBP & Co. versus Patel Engineering Ltd. and another, 2005(8) SCC 618**, wherein it was held as under:-

“46. *The object of minimizing judicial intervention while the matter is in the process of being arbitrated upon, will*

certainly be defeated if the High Court could be approached under Article 227 of the Constitution of India or under Article 226 of the Constitution of India against every order made by the Arbitral tribunal. Therefore, it is necessary to indicate that once the arbitration has commenced in the arbitral tribunal, parties have to wait until the award is pronounced unless, of course, a right of appeal is available to them under Section 37 of the Act even at an earlier stage.

47. *We, therefore, sum up our conclusions as follows:*

x x x x

(vi) Once the matter reaches the Arbitral tribunal or the sole arbitrator, the High Court would not interfere with orders passed by the arbitrator or the Arbitral tribunal during the course of the arbitration proceedings and the parties could approach the court only in terms of Section 37 of the Act or in terms of Section 34 of the Act.

x x x x"

Learned counsel for the petitioner has failed to counter the submissions made by the counsel for the respondents.

Hence, this petition is dismissed being not maintainable.

**(SABINA)
JUDGE**

April 22, 2015
Gurpreet