

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**FAO No.2555 of 2015
Date of decision: 20.08.2015**

Punjab State Warehousing Corporation ... Appellant

Vs.

M/s Emmsons International Limited and another ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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

Present:- Mr. Vikas Singh, Advocate, for the appellant.

AMIT RAWAL J. (Oral)

Challenge in the present appeal is to the order dated 20.08.2014 whereby, the objections filed by the appellant against the award dated 15.01.2010 has been dismissed.

Mr. Vikas Singh, learned counsel appearing on behalf of the appellant submits that though the award has been passed in favour of the appellant, yet the Arbitrator did not grant certain relief which was objected by filing objections and the same has erroneously been rejected without referring to the contents of the same, therefore, the impugned order suffers from illegality and perversity.

I have heard learned counsel for the appellant and appraised the paper book.

The scope of entertaining objections is limited as per the parameters laid down in Section 34 of the Arbitration and Conciliation Act, 1996 (herein after referred to as the Act, 1996), which does not fall within the realm of jurisdiction of Arbitrator but general in nature. The objections are conspicuously wanting that award is against public policy, principles of natural justice, against statute, much less, not in consonance with provisions of Section 31 (3) of the Act, 1996.

It is now a settled law that as to under what circumstances the award has to be interfered with. The question which has now been raised in the aforementioned appeal has already been answered by the Hon'ble Supreme Court in catena of judgments, wherein, it has been laid down that until and unless the award suffers from illegality as statutorily prescribed under Section 31 (3) of the Act, the same cannot be interfered with. In this context I intend to refer the judgments of Hon'ble Supreme Court in **Associate Builders Vs. Delhi Development Authority (2015) 3 SCC 49 and Navodaya Mass Entertainment Ltd. vs. J. M. Combines (2015) 5 SCC 698.** In the aforementioned judgment, the Hon'ble Supreme Court had culled out the ratio decidendi by holding that until and unless there is error apparent on the face of record or the arbitrator has not followed statutory legal position, it is only in these circumstances, it would be justified interfering with the award. The High Court should not act as a Court of appeal and reappraise the material/evidence and embarked on a path by substitution in its own

view. It is not the case of the appellant that the award is against the public policy or has violated the principles of judicial approach, much less against the statute and other provisions of Section 34 of the Act. The Arbitrator has dealt with the dispute which was contemplated and was within the scope of it. The parties to the *lis* had participated in the proceedings and were given proper notice not only with regard to the appointment of the Arbitrator but viz-a-viz proceedings, in my view, the award of the Arbitrator does not suffer from any illegality inasmuch as the Arbitrator, who, is expert has dealt with the matter and decided the claim of respective claimants to the parties to the *lis*.

The award read as a whole is just, fair and reasonable. It is now a settled law that the Arbitrator is the sole judge of quality and quantity of the evidence before him and decide on the basis of the available evidence.

In view of what has been observed above, there is no illegality and perversity in the impugned order and the appeal is devoid of merit.

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

August 20, 2015
savita