

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

FAO No. 6355 of 2013(O&M)
Date of decision : December 14 , 2015

Punjab Leather Federation

..... Appellant

Versus

M/s Acqua Fit Enviro Lab (Kanpur) and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Ms. Ritam Aggarwal, Advocate
for the appellant.

Mr. Ankit Goel, Advocate and
Mr. Sourabh Goel, Advocate
for respondent No.1.

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

Amit Rawal, J (oral).
CM No. 25916-CII of 2013

This is an application under Section 151 CPC seeking condonation of delay in refiling the appeal.

For the reasons stated in the application, which is duly supported by an affidavit, delay of 19 days in refiling the appeal is condoned.

The application stands disposed of.

CM No. 25917-CII of 2013

This is an application under Section 5 of the Limitation Act seeking condonation of delay in filing the appeal.

For the reasons stated in the application, which is duly supported by an affidavit, delay of 1 days in filing the appeal is condoned.

The application stands disposed of.

FAO No. 6355 of 2013(O&M)

The appellant is aggrieved of the order dated 24.4.2013 whereby the objections filed under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') for setting aside of the award dated 6.10.2008 has been dismissed.

Learned counsel for the appellant submits that the objections filed within the parameters of Section 34 of the Act have been dismissed. However, the objecting court after referring to the arguments of the respective parties to the *lis* has not assigned any reasons but in a most mechanical and un-reasonable manner declined the objections by holding that the objections are not tenable. In this regard has referred to the case law of various courts as well as of Hon'ble Supreme Court. In essence, at least cogent reasons should have been assigned how the objections were not tenable.

Learned counsel for the respondents submits that objections were not within the parameters of provisions of Section 34 of the Act and rightly so the same have been dismissed. The case

law relied by the objecting court squarely covers the facts and circumstances of the case.

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

For the sake of brevity, it would be apt to reproduce relevant lines of paragraph 7 of the judgment of objecting court, which reads thus:-

“After hearing the respective contentions of both the sides and having gone through the record carefully, it is found that the instant objection petition filed by the applicant merits dismissal. From the perusal of the objections enumerated in the objection petition for setting aside the award, it is found that the same are not tenable.”

While advertent to refer the case law rendered in various judgments laying down scope viz-a-viz interference in the objections for setting aside the award the objecting court ought to have assigned cogent reasons. No cogent reasons as to how the objections were not within the parameters of Section 34 of the Act have been given.

Keeping in view the aforementioned facts, I am of the view that the matter is liable to be remitted back to the objecting court to decide the objections afresh in accordance with law, explaining cogent reasons.

Parties through their counsel are directed to appear before the objecting court on 8.1.2016.

It is expected that the objecting court shall decide

the appeal within a period of four months from the date of receipt of certified copy of this order.

The objection petition is restored back to its original number.

Accordingly, the appeal is allowed.

(AMIT RAWAL)
JUDGE

December 14, 2015
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