

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

**FAO-8246-2015 (O&M)
Date of decision : 08.12.2015**

Daljeet Singh

...Appellant

Versus

Indiabulls Housing Finance Ltd. Erstwhile Indiabulls Financial
Services Ltd.

...Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Surinder Gandhi, Advocate
for the appellant.

AMIT RAWAL, J. (ORAL)

Challenge in the present appeal is to the order dated 03.09.2015, whereby the objections filed on behalf of the appellant under Section 34 of the Arbitration and Conciliation Act, 1996, for setting aside the award dated 28.02.2013 has been dismissed.

Learned counsel for the appellant submits that the appellant was confined in jail since 18.06.2012 and released on bail, on 03.04.2013 and in this regard, he has pointed out the order (Annexure P-2), whereby he has been granted bail. All the notices sent by the Arbitrator, as noticed in the Award of that period.

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

As per the decision dated 03.04.2013 rendered in CRM-M

No. 4431-2013, it has been noticed that Daljeet Singh was in custody

since 18.06.2012 and released on bail on 03.04.2013, whereas, the Arbitrator has sent the notices on 10.01.2013, 29.01.2013 and 28.02.2013.

In my view, the appellant could not have been received the notice of the arbitration proceedings as he was confined in jail. The aforementioned fact has not been noticed by the Objecting Court, while dismissing the objections. I am of the view that the matter is required to be re-adjudicated by the Objecting Court, in view of the aforementioned fact.

Accordingly, the appeal is allowed by setting aside the impugned order dated 03.09.2015 (Annexure P-1) passed by the Additional District Judge, Rohtak, dismissing the objections under Section 34 of the Arbitration and Conciliation Act, 1996, and the matter is remitted back to the Objecting Court, to decide the objections afresh, in view of the observations made in the Court.

08.12.2015
yogesh

(AMIT RAWAL)
JUDGE