

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO**

CIVIL REVISION PETITION NOS.6189 AND 6279 OF 2016

C O M M O N O R D E R
(Per Hon'ble Sri Justice Sanjay Kumar)

These two Civil Revision Petitions under Article 227 of the Constitution are sought to be maintained against the interim orders passed by the Sole Arbitrator in A.A.No.99 of 2014. C.R.P.No.6189 of 2016 relates to the order dated 30.09.2016 passed by the Sole Arbitrator in I.A.No.8 of 2016 in A.A.No.99 of 2014, while C.R.P.No.6279 of 2016 arises out of the order dated 30.09.2016 in I.A.No.4 of 2015 in A.A.No.99 of 2014.

In the light of the law laid down by a Constitution Bench in ***M/S.S.B.P. AND COMPANY V/s. PATEL ENGINEERING LIMITED¹***, it is not open to a party to an arbitration proceeding to approach this Court under Article 227 of the Constitution against an order passed by the Arbitral Tribunal. In the light of this settled legal position, we are of the opinion that these Civil Revision Petitions are utterly misconceived and are not maintainable.

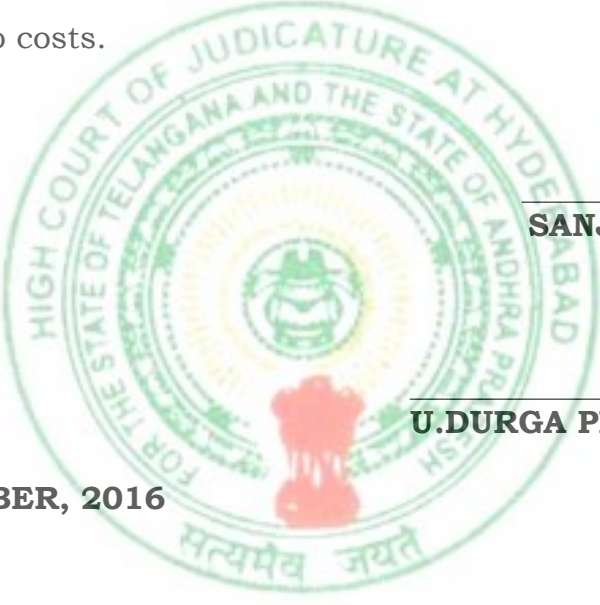
Sri K.Subrahmanyam, learned counsel for the petitioner in these two revisions, would however place reliance on ***A.AYYASAMY V/s. A.PARAMASIVAM AND OTHERS²***. We find that this judgment is not at all relevant to the present issue inasmuch as the said judgment arose out of the rejection of an application filed by a party to an arbitration agreement under Section 8 of the Arbitration and Conciliation Act, 1996. The judgment in ***M/S.S.B.P. AND COMPANY¹*** was referred to in para 24 of the said

¹ (2005) 8 SCC 618

² (2016) 10 SCC 386

judgment but in a wholly different context and maintainability of a petition under Article 227 of the Constitution against an order passed by an Arbitrator did not fall for consideration at all. The learned counsel would further state that this Court has entertained civil revision petitions against orders of the Arbitrator in some cases earlier. However, we are bound to follow the law laid down by the Supreme Court in **M/S.S.B.P. AND COMPANY¹**. We need say no more.

The Civil Revision Petitions are accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.



SANJAY KUMAR, J

U.DURGA PRASAD RAO, J

26th DECEMBER, 2016

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