

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No.32413 of 2016

Date: 26.09.2016

Between:

S.Rajiya Sultana,
W/o Abdul Khader and another.

.. Petitioners

And

The State of A.P., reptd by its
Principal Secretary, Finance Department,
Hyderabad and two others.

.. Respondents

Counsel for the petitioners: Mr. S.A.K.Mynoddin

Counsel for respondent No.1: GP for Finance & Planning (AP)

The Court made the following:

ORDER: *(Per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

This Writ Petition is filed for a *Mandamus* to set aside award, dated 25.02.2016, in A.R.C.No.221 of 2015 passed by the Arbitral Tribunal, Proddatur.

Mr. S.K.Mynoddin, learned counsel for the petitioners, sought to justify filing of this Writ Petition questioning the arbitral award on the ground that the same suffers from violation of principles of natural justice and that therefore, the petitioners are entitled to invoke the jurisdiction of this Court. We are afraid, we cannot accept this submission of the learned counsel for the petitioners.

While we do not intend to render conclusive findings on the aspect as to whether the award suffers from violation of principles of natural justice, *prima facie*, we find in the award that notice was received by petitioner No.2 and a paper publication was made by way of a substituted service with regard to petitioner No.1 to whom notice was sent, but, returned unserved.

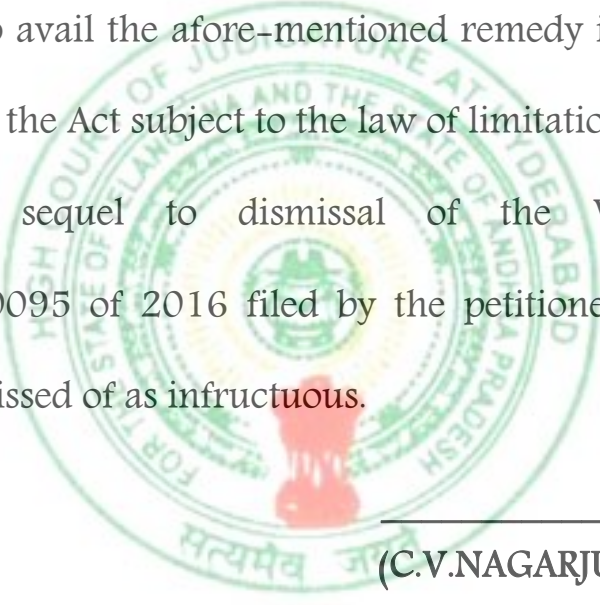
An aggrieved party is entitled to question the arbitral award on various grounds, which include the ground that the party making the application was not given proper notice of the appointment of an arbitrator or of the arbitral proceedings or was otherwise unable to present his case, as envisaged under

Clause-(a)(iii) of Sub-section-2 of Section-34 of the Arbitration and Conciliation Act, 1996 (for short 'the Act').

In view of the availability of this statutory remedy, invocation of jurisdiction of this Court under Article-226 of the Constitution of India on the purported ground of violation of principles of natural justice is wholly misconceived.

Hence, the Writ Petition is dismissed, without adjudicating on the validity or otherwise of the award, with liberty to the petitioners to avail the afore-mentioned remedy in terms of the provisions of the Act subject to the law of limitation.

As a sequel to dismissal of the Writ Petition, WPMP.No.40095 of 2016 filed by the petitioners for interim relief is dismissed of as infructuous.



(C.V.NAGARJUNA REDDY, J)

(G. SHYAM PRASAD, J)

26th September, 2016

DR