

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.4231 of 2016
Date of Decision.11.07.2016

Uttar Haryana Bijli Vitran Nigam Ltd.

.....Petitioner

Vs.

M/s Bharat Electricals and another

.....Respondents

Present: Mr. Anil Chawla, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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?

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AMIT RAWAL J. (ORAL)

The petitioner is aggrieved of the impugned order whereby the prayer to seek cross-examination of the witnesses of the respondent has been declined.

Mr. Anil Chawla, learned counsel appearing for the petitioner submits that, as per the *ratio decidendi* culled out by the Hon'ble Supreme Court in **Fiza Developers and Inter Traders Pvt. Ltd. Vs. AMCI (I) Pvt. Ltd. and another 2009(17) SCC 796** as well as decision of this Court passed in FAO No.588 of 2011 titled **"Punjab State Civil Supplies Corporation Ltd. Vs. Raja Ram and others"** decided on 22.01.2016, in case the objector places on record the additional fact by way of objection, the respondent in the objection petition can be permitted to cross-examine to that effect. In these circumstances, the application was moved but the same has erroneously been dismissed.

This Court on 08.07.2016, called upon Mr. Chawla to show the

copy of the affidavit submitted by the objector. On going through the contents of the objection, it is found that contents of objection reveals nothing new. Thus, in my view, the petitioner cannot seek the aid of the ratio decidendi culled out in the judgments referred to above. The objections under Section 34 of the Arbitration and Conciliation Act have to be decided summarily unless and until the principles culled out are falling within the prayer in the application.

As regards the evidentiary value, the evidence in the form of affidavits can be considered at the final stage since any evidence beyond the objections filed shall not be admissible and I am of the view that no prejudice is caused to the petitioner by declining the application.

In the wake of aforesaid observations, I do not find any illegality and perversity in the order passed by the Court below and the order cannot be said to be without jurisdiction. The revision petition is dismissed.

(AMIT RAWAL)
JUDGE

July 11, 2016
Pankaj*