

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

FAO No.84 of 1996
Date of decision : 03.02.2016

The State of Punjab

...Appellant

Versus

M/s National Mining Company and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

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

Present: Mr. Roshan Lal Sharma, Advocate and
Mr. Piyush Bansal, DAG, Punjab for the appellant.

Mr. Arvind Singh, Advocate for the respondent No.1.

AMIT RAWAL, J. (Oral)

The appeal is at the instance of the State of Punjab against the order dated 22.07.1995, whereby objection vis-a-vis Rule of the Court of the award dated 10.04.1991, has been dismissed.

Mr. Piyush Bansal, learned DAG, Punjab & Mr. Roshan Lal Sharma, submits that Arbitrator has committed illegality and perversity in not deciding the counter claim and, therefore, objections in this regard were filed before the Court which has not been taken into consideration, therefore, order as well as award under challenge are not sustainable.

Mr. Arvind Singh, learned counsel appearing on behalf of respondent-Contractor submits that on receipt of the counter claim, the Arbitrator sought reference from the trial Court vis-a-vis maintainability of counter claim and vide order dated 09.11.1990, it was held that State shall be at liberty to seek redressal of grievance through independent proceeding and said order has not been assailed and, therefore, State cannot be permitted to agitate the said plea.

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

The factum of the order dated 09.11.1990 has been noticed in the impugned order dated 22.07.1995. Once State was given liberty to file independent suit, objections vis-a-vis non-entertainment, the counter claim before the Arbitrator was not maintainable. It is not discernible as to whether State has independently filed claim or not.

Accordingly, objection has rightly been dismissed.

I do not find any illegality and perversity in the order under challenge and order cannot be said to have been passed without jurisdiction.

There is no merit in the appeal.

Dismissed.

03.02.2016

pawan

**(AMIT RAWAL)
JUDGE**