

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

FAO No.630 of 2006 (O&M)

Date of Decision.01.09.2016

Punjab State Civil Supplies Corporation Limited and another
.....Appellants

Vs.

M/s Trimurti Rice Mills and others
.....Respondents

Present: Ms. Deepali Puri, Advocate
for the appellants.

Mr. Mukund Gupta, Advocate
for the respondents.

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 appellants are aggrieved of the impugned order passed under Section 34 of the Arbitration and Conciliation Act, 1996 whereby the Objecting Court set aside the Award passed by the Arbitrator.

Ms. Deepali Puri, learned counsel appearing for the appellants submits that the Objecting Court has committed illegality and perversity in entertaining the objections as the same were not falling within the realm of Section 34 of the 1996 Act. The Arbitrator had announced the award of ₹10,32,410/- by taking into consideration the revised claim, which aspect has gone unnoticed by the Objecting Court, thus, urges this Court for setting aside the impugned order and restoration of the Award.

Mr. Mukund Gupta, learned counsel for the respondents submits that as per the records, there was no revised statement of claim and

therefore, there is no illegality and perversity in the order passed by the Objecting Court as the Award was against the public policy and the matter had already been settled.

I have heard learned counsel for the parties and appraised the paper book. After going through the records, it reveals that there was no revised statement of account filed and rightly so, the Objecting Court has formed an opinion that once the amount has been settled, the Arbitrator could not have passed the Award in the manner as has been done. There was striking discrepancy in the finding of the Arbitrator and this aspect of the matter rightly entertained by the Objecting Court as the same was falling within the realm of Section 34 of the 1996 Act.

I do not find any illegality and perversity in the order under challenge, much less, no ground for interference is made out. There is no merit in the appeal. The same is accordingly dismissed.

(AMIT RAWAL)
JUDGE

September 01, 2016

Pankaj*

Whether speaking/reasoned Yes

Whether reportable No