

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

FAO No.2007 of 2010
Date of decision : 01.03.2016

M/s Kundu Security Services

...Appellant

Versus

Haryana Livestock Development Board Hisar (Haryana) 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. Ashok Arora, Advocate for the appellant.

Mr. D.K. Mittal, DAG, Haryana.

AMIT RAWAL, J. (Oral)

The appellant-M/s Kundu Security Services is aggrieved of the findings rendered by the Arbitrator, whereby it had entertained the counter claim of the respondent-defendants. The claim filed by the appellant and as well as counter claim, accepted by the Arbitrator. The respondent did not challenge the compensation awarded by the Arbitrator in favour of M/s Kundu Security Services. However, the benefit of counter claim was challenged on the ground that there is no provision in the Arbitration and Conciliation Act for Arbitrator to entertain the counter claim.

Mr. Ashok Arora, learned counsel appearing on behalf of appellant submits that objections were falling within the realm of provision of

Section 34 of the Act. Counter claim cannot be entertained by the Arbitrator. If at all the respondents had any grievance they could have filed independent suit or sought reference therefore, the award of the Arbitrator erroneously been accepted by the Objecting Court.

Mr. D.K. Mittal, DAG, Haryana submits that provision of Section 13 of 1996 Act provides the procedure to be adopted by the Arbitrator. The Arbitrator called upon the parties to file their respective claim. The claim of the Department cannot be said to be counter claim as it strictly beyond the provisions of the Code of Civil Procedure as provision of Code of Civil Procedure do not apply. Moreover, the objections were not falling within the provision of Section 34 and prays for dismissal of the appeal.

I have heard learned counsel for the parties and appraised the paper book and of the view that there is no substance/force in the submission of Mr. Arora, for the reasons that Section 13 enables the Arbitrator to prescribe the procedure for conducting of the arbitration proceedings. In case such proceedings is not challenged, the parties cannot volteface to challenge the same. Even otherwise, the provision of Code of Civil Procedure in extenso do not apply to procedure under 1996 Act. The idea to file the respective claim is to minimize the litigation instead of relegating the adverse parties to file independent claim. The objects of the arbitration is to minimize the litigation period, much less, cost.

Keeping in view the aforementioned fact, I do not find any illegality and perversity in the order under challenge.

Appeal is dismissed.

01.03.2016

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(AMIT RAWAL)
JUDGE