

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

FAO No. 3711 of 2011 (O&M)

Date of decision : 1.2.2016

M/s Girnar Fibers Limited

.. Appellant

vs

State Bank of Bikaner and Jaipur and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Chetan Mittal, Senior Advocate with
Mr. Kunal Mulwani, Advocate, for the appellant.

Mr. Amit Jhanji, Advocate, for respondent nos. 11, 12, 14,
19, 20, 23, 54, 64, 73, 100, 112, 123 and 124.

Mr. Om Parkash Sharma, respondent no. 72 in person.

Mr. Dheeraj Jain, Advocate, respondent no. 89.

Mr. Sandeep Kumar, Advocate for
Ms. Savita Saxena, Advocate, for respondent no. 112.

Rajesh Bindal, J.

Challenge in the present appeal is to the order dated 25.10.2010 passed by the learned Court below whereby the objections filed by the appellant to the award of the Arbitrator dated 11.3.2006, were dismissed in the absence of any evidence led by the appellant.

Learned counsel for the appellant submitted that the learned Court below should have summoned the record from the Arbitrator and from that the appellant could point out the biasness. As per the agreement, five arbitrators were appointed but the record suggests that at different times different arbitrators were present and some time the coram was not complete. However, learned counsel for the appellant did not dispute the fact that no evidence was led by the appellant either before the arbitrator or before the Court below where the award of the arbitrator was challenged.

Considering the aforesaid factual matrix where the appellant neither led any evidence before the arbitrator seeking to prove his claim and further when the award of the arbitrator was challenged before the Court below under Section 34 of the Arbitration and Conciliation Act, 1996, no evidence was led and the evidence was closed by the Court vide order passed under Order XVII Rule 3 CPC, no case for interference is made out in the present appeal. Accordingly, the same is dismissed.

1.2.2016

vs

(Rajesh Bindal)

Judge