

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

**FAO-6333-2012 (O&M)
Date of decision : 20.09.2016**

Bharat Sanchar Nigam Ltd.

... Appellant

Versus

Bhupender Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. K.K. Gupta, Advocate
for the appellant.

Mr. J.P. Sharma, Advocate
for respondent No.1.

AMIT RAWAL, J. (ORAL)

Mr. K.K. Gupta, learned counsel appearing on behalf of the appellant-BSNL submits that the objections filed under Section 34 of the Arbitration and Conciliation Act, 1996 (for short' the 1996 Act') have erroneously been dismissed as the reference of the dispute through the Arbitrator by the Civil Judge on 12.03.2010 was totally against the notification dated 17.09.2003 promulgated by this Court in view of the judgment rendered by this Court in **FAO No.4261 of 2015** titled as **“Food Corporation of India V/s Jagat Ram and another”** decided on 02.03.2016 by taking into consideration the *ratio decidendi* culled out by the Division Bench judgment of this Court in **“State of Haryana V/s District Judge, Chandigarh and others” 2006 (1) PLR 87.**

The factum of appointment of the Arbitrator is not in dispute, in

my view, the Civil Judge had no jurisdiction to appoint the Arbitrator in view of the notification dated 17.09.2003 issued by this Court, therefore, the entire proceedings before the Arbitrator are vitiated in law, much less, without jurisdiction. The Objecting Court ought to have taken this aspect as the objections are squarely falling within the realm of Section 34 of the 1996 Act.

For the foregoing reasons, the findings rendered by the Objecting Court and as well as the Arbitrator are hereby set aside.

The parties shall be at liberty to seek the redressal of their grievance in accordance with law.

With the aforesaid observations, the appeal stands disposed of.

20.09.2016
yogesh

(AMIT RAWAL)
JUDGE

	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No