

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

FAO No.8279 of 2015 (O&M)

Date of decision:11.04.2016

Anand Rathi Commodities Ltd.

... Appellant

Vs.

Anju Bhasin

... Respondent

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. Manuj Nagrath, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

The appellant is aggrieved of the dismissal of the claim by the Arbitrator, much less, the objections filed against thereof.

Mr. Manuj Nagrath, learned counsel appearing on behalf of the appellant submits that alleged communication purported to have been sent through postal certificate for change of e-mail address was never received by the appellant, thus, change of address remained unnoticed/uninformed Even copy of the receipt of postal certificate has not been placed on record, whereas, on the contrary, the ledger accounts have been placed on record to show that there had been earlier accounts which had not been denied. In view of such situation, the Arbitrator ought not to have heavily relied upon the alleged communication to dismiss the claim, thus, there is a gross illegality and perversity in the award which was assailed by

filing objections and same have also erroneously been dismissed.

I have heard learned counsel for the appellant and appraised the paper book and of the view that once the format of the communication had been disputed, it leaves no doubt that the communication with regard to change of e-mail address was received, the said communication, as per award, was also received on 19.01.2011 personally at the local office of the appellant and as well as, at the Head Office through written communication under postal certificate. This fact has been noticed by the Arbitrator while non-suiting the appellant/claimant vis-a-vis its claim of ₹5,54,000/- an odd amount.

In my view, objections on such point are not falling within the realm of Section 34 of the Arbitration and Conciliation Act, 1996, therefore, rightly so, have been dismissed. I do not find any illegality and perversity in the Award of the Arbitrator, much less, in the order under challenge.

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

April 11, 2016
savita