

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

F.A.O.No.7585 of 2016 (O&M)

Date of Decision: December 16, 2016

Maharshi Dayanand University, Rohtak & another

...Appellants

Versus

M's Libra Infra Projects (Pvt.) Ltd. & another

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.B.L.Gupta, Advocate,
for the appellants.

AMIT RAWAL, J. (Oral)

Appellant-Maharshi Dayanand University is aggrieved of the partly allowing of the objections filed under Section 34 of the Arbitration and Conciliation Act, 1996 (for short "1996 Act") seeking setting-aside of the award dated 25.3.2013.

Mr.B.L.Gupta, learned counsel appearing on behalf of the appellants submits that respondent-agency was given a contract to provide security to the premises. The theft occurred in the premises was on account of the negligence of the agency and this fact has been proved on the premise that once mobile patrol of the security guard was deployed, the agency was fully responsible for the incident of theft in the area of their security zones. The Arbitrator has declined the relief, but the Objecting Court modified the award by setting-aside the findings of the Arbitrator on issues No.2 to 4 and, therefore, there is gross illegality and perversity. Even issue No.1 was also falling within the Memorandum of Understanding. In fact, this clause has

not been interpreted in the correct perspective.

I have heard the learned counsel for the appellants, appraised the paper book and of the view that there is no force and merit in the submissions of the learned counsel for the appellants, for, the appellant-University has failed to place on record any evidence that the theft had occurred owing to the negligence of the security agency and, therefore, they could not have withheld a sum of ₹3,56,143/-. There was no direct evidence. The University is relying upon the circumstantial evidence, which cannot be made the foundation or basis for withholding the aforementioned amount. Even the scope of interference in the arbitration proceedings is unlimited. Until and unless there is gross illegality, the evidence cannot be re-appreciated even if a different opinion is to be formed.

For the foregoing reasons, I do not agree with the contentions of Mr.Gupta and uphold the order under challenge. No ground for interference is made out.

Appeal stands dismissed.

December 16, 2016
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No