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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO 146/2015**

SANJEEV JAIN Appellant
Through: **Mr. Neeraj Yadav, Advocate**

versus

DELHI STATE CIVIL SUPPLY CORPORATION LIMITED
..... Respondent
Through: **Ms. Anju Bhattacharya and Mr.
Elgin Matt John, Advocates**

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

% **ORDER**
02.08.2016

Impugned order of 14th January, 2015 sets aside the Award due to non-compliance of Section 31 of *the Arbitration and Conciliation Act, 1996* as the Award is not signed by the other members of the Arbitral Tribunal. Section 31 of *the Arbitration and Conciliation Act, 1996* mandatorily mandates that it is required to be signed by at least two members and the reasons for third arbitrator not signing have to be mentioned.

At the hearing of this appeal, the stand of learned counsel for appellant is that on this technical ground the Award ought not to have been set aside and the matter now deserves to be remanded back.

On the other hand, learned counsel for respondent draws the attention of this Court to Sub-section 4 of Section 34 of *the Arbitration*

and Conciliation Act, 1996 which requires that on an application, the court may adjourn the proceedings to enable the Arbitral Tribunal to eliminate the grounds for setting aside the Arbitral Award. No such application has been filed by the appellant. No reason is forthcoming as to why resort to Sub-section 4 of Section 34 of *the Arbitration and Conciliation Act, 1996* was not made.

In such a situation, no fault can be found with the impugned order which sets aside the Arbitral Award. Consequently, this appeal is dismissed.

(SUNIL GAUR)
JUDGE

AUGUST 02, 2016

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