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

+ **FAO(OS) 418/2015**

UNION OF INDIA (MINISTRY OF RAILWAYS)

& ORS

..... Appellant

Represented by: Mr.R.V.Sinha, Advocate

versus

M/S J SONS ENGINEERING

CORPORATION LTD

..... Respondent

Represented by: Mr.Raman Kapur, Sr.Advocate
instructed by Mr.Aviral Tiwari,
Advocate

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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08.02.2016

FAO(OS) 418/2015

1. We have pointed out to learned counsel for the appellant that the pleadings in the appeal are a verbatim copy of the objections filed under Section 34 of the Arbitration and Conciliation act, 1996 with the sole difference of changing the nomenclature of the parties; which had to be. The sole contribution in the appeal is accordingly of no help to the Court.

2. Suffice it to state that an objection under Section 34 of the Arbitration and Conciliation Act, 1996 has in its focus the award and attacks the same within the parameter prescribed under Section 34 of the Arbitration and Conciliation Act.

FAO(OS) 418/2015

page 1 of 2

3. Focus in an appeal is to the impugned order passed by the learned Single Judge disposing of the petition under Section 34 of the Arbitration and Conciliation Act, 1996. Whilst it may be true that it is ultimately the award which is to be sustained; amended fully or in part depending on the order deciding the objections. But in an appeal the focused pleadings must relate to the reflection by the learned Single Judge on the award with reference to the challenge thereto.

4. Faced as aforesaid, learned counsel seeks leave to withdraw the appeal with liberty sought, which we grant very liberally, for filing a fresh appeal laying a challenge to the impugned award dated April 15, 2015. But said appeal must focus on the impugned order and not resort to, as in the instant appeal, cut, copy and paste.

5. No costs.

CM No.13625/2015 & 13626/2015

Dismissed as not pressed.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

FEBRUARY 08, 2016

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