

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

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**FAO No.5030 of 2013(O & M)
Date of Decision:28.02.2017**

Chandigarh Industrial Tourism & Development Corporation Ltd.

....appellant

Versus

M/s Kalsi Construction Company and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.Sanjeev Sharma, Senior Advocate with
Mr.Vikram Vir Sharada, Advocate
for the appellant

Mr.Naresh Kumar Markanda, Senior Advocate with
Ms.Kavita Markanda, Advocate
for respondent No.1

ARUN PALLI, J. (ORAL):

Vide arbitral award dated 21.09.2007, the Arbitral Tribunal had partly accepted the claim of the respondents. Being aggrieved against the said award, the appellant-Chandigarh Industrial Tourism & Development Corporation Ltd.(for short, 'the Corporation'), filed objections under Section 34 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act'). And, since, vide impugned judgement dated 17.04.2013, learned District Judge, Chandigarh, had dismissed the said objections, the Corporation is in appeal before this Court.

Ex facie, the learned District Judge, only dilated upon the scope and extent of interference under Section 34 of Act, with the award rendered by the Arbitrator and, as a result, the objections preferred by the Corporation were not examined, least analysed or adjudicated upon.

Having argued the matter at some length, learned senior counsel for the parties, reached a consensus that let the impugned judgement dated 17.04.2013, be set aside and the matter be remitted. Since, in the execution proceedings, the respondents had already withdrawn the principal amount, learned counsel for the parties are ad idem that till the decision of the objections filed by the Corporation and for a period of two weeks, thereafter, in the event, the award is set aside, the amount released to the respondents shall not be recovered. Likewise, for, vide order dated 15.12.2014, passed by this Court, proceedings in the execution petition were stayed, the said arrangements shall also be operative till the matter is re-decided.

That being so, the judgement dated 17.04.2013 is set aside and the matter is remitted to District Judge, Chandigarh, for re-decision in accordance with law. It shall be the discretion of the District Judge, to either decide the matter himself or assign the same to another court of competent jurisdiction. For, the dispute pertains to olden times, and the matter is being remitted, the Court that shall be assigned the matter, is requested to decide the same, positively, within a period of four months, from the date of receipt of the certified copy of this order. Parties through their respective counsel shall appear before the District Judge, Chandigarh, on 22.03.2017.

The appeal stands disposed of.

February 28, 2017

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(ARUN PALLI)
JUDGE

Whether speaking/reasoned

Yes/No.

Whether reportable-

Yes/No