

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.2776 of 2016 (O&M)

Date of Decision:-27.07.2017

PCU Employees H/B Cooperative Society Ltd

.....Petitioner.

Versus

M/s Jatinder Mittal Eng. & Contractor and Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Rahul Rampal, Advocate for the petitioner.

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

JASWANT SINGH, J.(ORAL)

Appellant had assailed a common arbitral award dated 27.7.2013 passed by the Sole Arbitrator-Sh. S.L. Garg whereby the claim of the contractor/M/s Jatinder Mittal qua the works executed for the appellant as also the Chandigarh Tenants Cooperative House Building First Society Limited (for short "Chandigarh Tenants Society") and M&I Staff Co-operative House Building Society, Sector 49-D, Chandigarh were decided in favour of the Contractor. The objections of the appellant and the Chandigarh Tenants Society filed under Section 34 of the Arbitration and Conciliation Act, 1996 (for short "the Act") were dismissed vide a common judgment dated 23.12.2014 passed by the learned District

Judge, Chandigarh. Chandigarh Tenants Society filed FAO No.4402 of 2015 before this Court while the appellant has preferred the present first appeal.

At the time of hearing, learned counsel for the parties are agreed that the connected appeal bearing FAO No.4402 of 2015 was disposed of vide order dated 25.5.2017, whereby the impugned judgment dated 23.12.2014 passed by the learned District Judge, Chandigarh was set aside and the matter was remitted back for the decision afresh in accordance with law, as the raised objections filed by the Chandigarh Tenants Society were dismissed without assigning any reasoning. Accordingly, both the parties are agreed that the present appeal also has to be allowed in the same terms as FAO No.4402 of 2015 decided on 25.5.2017.

In view of the aforesaid agreed stand, the present appeal is disposed of in the same terms as aforesaid. Court below is directed to decide the objections of the present appellant along with the one's filed by the Chandigarh Tenants Society.

July 27, 2017
manoj

(JASWANT SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>