

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

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FAO No.4402 of 2015(O & M)

Date of Decision:25.05.2017

The Chandigarh Tenants Cooperative House Building First Society Limited

....appellant

Versus

M/s Jatinder Mittal Engineers and Contractors and another

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.D.V.Sharma, Senior Advocate with
Ms.Shivani Sharma, Advocate
for the appellant

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

ARUN PALLI, J. (ORAL):

Vide arbitral award dated 27.07.2013, the arbitral Tribunal, partially accepted the claim of the appellants. Being aggrieved by the said award, the appellant i.e. The Chandigarh Tenants Cooperative House Building First Society Limited, filed objections under Section 34 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act'). And, since vide impugned judgment dated 23.12.2014, learned District Judge, Chandigarh, dismissed the said objections, the appellant is before this Court.

Ex facie, the learned District Judge, only dilated upon the scope and extent of interference under Section 34 of the Act, with the award rendered by the arbitrator. Undoubtedly, while deciding the objections filed under Section 34 of the Act, the Court does not sit in appeal against the arbitral award. And the same can be interfered with or set aside only upon

the grounds set out under Section 34 of the Act and not otherwise. But even to say that the objections filed by the objectors were not within the purview of provisions of Section 34 of the Act, there has to be some tangible examination or analysis of the objections, leave alone the adjudication.

Having argued the matter at some length, learned senior counsel for the parties are ad idem that let the impugned judgment dated 23.12.2014 be set aside and the matter be remitted for re-decision.

That being so, the judgement dated 23.12.2014 is set aside and the matter is remitted to the 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. Parties through their respective counsel shall appear before the District Judge, Chandigarh on 03.07.2017. In the facts and circumstances of the present case, the Court that shall be assigned the matter is requested to decide the same, positively, within a period of three months from 03.07.2017.

The appeal stands disposed of accordingly. Lower court records be returned, forthwith.

May 25, 2017
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(ARUN PALLI)
JUDGE