

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.158 of 2017 (O&M)
Date of Decision : 25.04.2017

Punjab State Power Corporation Ltd.

.....Appellant

Versus

M/s Bhushan Exports and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Ms. Promila Nain, Advocate for the appellant.

Mr. Varun Garg, Advocate for respondent No.1.

ARUN PALLI, J. (Oral)

Vide arbitral award dated 28.02.2015, the Arbitral Tribunal had partly accepted the claim of the respondents. Being aggrieved by the said award, the appellant i.e. Punjab State Power Corporation Ltd., filed objections under Section 34 of the Arbitration and Conciliation Act, 1996 (for short 'the Act'). And, since vide impugned judgment dated 1.12.2015, learned Additional District Judge, Patiala had dismissed the said objections, the Corporation is in appeal before this Court.

Ex facie, learned Additional District Judge, only dilated upon the scope and extent of interference under Section 34 of the 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 counsel for the parties have reached a consensus that let the impugned judgment dated 1.12.2015, be set aside and the matter be remitted for re-decision.

That being so, the judgment dated 1.12.2015, is set aside and the matter is remitted to District Judge, Patiala, for re-decision in accordance with law. Needless to assert that it shall be discretion of the District Judge, to either decide the matter himself or assign the same to another Court of competent jurisdiction. The Court that shall be assigned or decide the matter, is requested to dispose of the dispute within three months from the date of receipt of the certified copy of this order. Parties through their respective counsel shall appear before the District Judge, Patiala on 8.5.2017.

Needless to assert that this order shall not constitute any expression of opinion on merits of the case of either party.

25.04.2017

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(ARUN PALLI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No