

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

209

COCP No.2792 of 2016

Date of Decision: September 10th, 2018

Jagjit Singh Gill

...Petitioner

Versus

Harbhupinder Singh Nanda

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Satbir Rathore, Advocate
for the petitioner.

Mr. Aditya Sharda, Assistant Advocate General, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court alleging violation of the order dated 10.02.2016 (Annexure P-1) passed by this Court, whereby the award passed by the arbitrator as also the order dated 04.01.2014 passed by learned Additional District Judge, were set aside and the case was remanded back to the arbitrator by observing that the case of the petitioner had to be considered in the light of the award dated 22.04.2013 passed by the arbitrator, wherein compensation to the tune of ₹3,07,600/- was granted which would be squarely applicable to the facts and circumstances of the present case as well.

2. Counsel for the petitioner contends that the arbitrator vide his award dated 13.07.2016 (Annexure P-5) has proceeded to dismiss the claim of the petitioner on the ground that the award dated 22.04.2013 of the arbitrator pertains to some other district and, therefore, the petitioner would not be entitled to the said benefit. It is an admitted position that the petitioner has availed of his remedy of appeal against the said order.

3. Counsel for the petitioner contends that the respondent has violated the order passed by this Court as it has rejected the claim of the petitioner merely on the ground that the award dated 22.04.2013 is of some

other district other than Hoshiarpur and, therefore, the claim of the petitioner is not sustainable which is contrary to the order passed by this Court rendering the respondent liable to be proceeded against under the Contempt of Courts Act.

4. Having considered the submissions made by counsel for the petitioner and keeping in view the fact that the award which has been passed by the arbitrator is under a statutory provision and, therefore, is protected by the said Act and also keeping in view the fact that the assertions as put forth by the counsel for the petitioner, may be good ground for setting aside the award which has been passed by the respondent, this Court would not proceed against the respondent in the matter. It is made clear that non-interference by this Court in the exercise of jurisdiction under the Contempt of Courts Act would not in any manner be taken to be accepting the award which has been passed by the respondent as correct, especially in the light of the fact that the award is a subject matter of challenge by the petitioner.

5. In view of the above, the present contempt petition is disposed of with above observations.

September 10th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No