

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.1377 of 2018
Date of Decision.28.02.2018

M/s Chanda Cables Private LimitedPetitioner
Vs

Uttar Haryana Bijli Vitran Nigam and anotherRespondents

2. C.R. No.1378 of 2018

M/s Chanda Cables Private LimitedPetitioner
Vs

Uttar Haryana Bijli Vitran Nigam and anotherRespondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Gaurav Chopra, Advocate
for the petitioner.

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AMIT RAWAL J.(ORAL)

This order of mine shall dispose of two revision petitions bearing Nos.1377 and 1378 of 2018 against the orders of even date passed in two cases whereby the applications, seeking restoration of the application for recalling of the orders dated 19.10.2012 passed in the Arbitration Petitions, have been dismissed.

Mr. Gaurav Chopra, learned counsel appearing on behalf of the petitioner submitted that against the aforementioned awards the objections were filed but the same were dismissed in default on 06.09.2010. The applications were moved for recalling the orders dated 06.09.2010, which were allowed vide order dated 30.09.2011. However, again on 19.10.2012, none appeared on behalf of the petitioner and the objection petitions were again dismissed in default and the applications for restoration of the same were moved on 16.01.2013. However, the counsel during the proceedings had noted down the date as 12.12.2016 instead of 21.11.2016. On 12.12.2016, it

surfaced that the applications have again been dismissed in default on

21.11.2016. Without any further delay, the application for restoration of the applications was moved on 22.12.2016 but the Court below instead of adopting the pragmatic and reasonable approach, dismissed the applications which could have been allowed, subject to any terms and conditions which it may deem appropriate.

I have heard learned counsel for the petitioner, appraised the paper book as well as the impugned orders and of the view that the facts indicated above are not in controversy. In my view, the Court below could not have adopted such rigid approach towards the appellant for not being vigilant and should have focussed on the adjudication of the *lis*. This is what the import of the rule of law for the purpose of advancing justice. Of course it was the duty of the applicant-petitioner to acquire the status of the case from the counsel instead of placing the entire burden on him.

Be that as it may. Without going into the merits and de-merits of the matter, I deem it appropriate that the ends of justice would be met in case the impugned orders are set aside, subject to payment of costs of Rs.5000/- in each case, which shall be condition precedent. Mr. Gaurav Chopra has ensured that the petitioner would not delay the adjudication of the controversy under Section 34 of the Arbitration and Conciliation Act and would render the assistance to the Court as and when required.

The revision petitions are allowed by dispensing with notice to the respondents, in order to save time and defray the litigation expenses of the respondents.

(AMIT RAWAL)
JUDGE

February 28, 2018
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No