

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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FAO No.1017 of 1997 (O&M)
Date of Decision : 10.05.2018

Punjab State through the Executive Engineer

..... Appellant

Versus

M/s Commercial Industrial Corporation, Patiala
and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Ajay Pal Singh Gill, DAG, Punjab.

Mr. V.K.Jindal, Senior Advocate with
Mr.Tarunveer Vashishth, Advocate and
Mr. Akshay Jindal, Advocate
for the respondents.

AJAY TEWARI, J. (Oral)

This appeal has been filed by the State of Punjab against the order of the Sub Judge 1st Class, Patiala allowing an application filed by the respondents for making the award of the arbitrator as Rule of Court.

The main argument raised by the learned Deputy Advocate General is that very cursory reasons have been given by the arbitrator while making the award. The brief facts of the case are that the tender of the respondents for doing certain works on the SYL Canal Project was accepted. After the work was completed disputes arose and on the request

of the respondents the appellant had appointed the Superintending Engineer as the arbitrator. Out of the 11 heads of claim the arbitrator found that with respect of claims No.1 and 2 the appellant had accepted the same. He allowed certain payments in claims No.3,5,7,8,10 & 11 and rejected claims No.4,6 and 9 and the Court found that even if it is accepted that the reasons were cursory and sketchy yet it was not a case where no reasons were given.

I have also been taken through the record and I find that the two major payments were for claim No.8 amounting to Rs.32.87 lakhs and claim No.10 amounting to Rs.15.00 lakhs and for these major payments detailed reasons were given by the arbitrator. The other payments were of much lesser amount. As regards claim No.11 for interest, the arbitrator has given good reasons for the same.

Learned Deputy Advocate General has further argued that for this very award the arbitrator was subsequently charge-sheeted. However, nothing has been placed on record as to what happened to the charge-sheet though specifically time was taken for this purpose on an earlier date.

In the circumstances, I deem it appropriate to ignore the fact of the charge-sheet. In the totality of circumstances, I am not persuaded that the award is vitiated. It is trite to say that the Court while considering an arbitration award is not sitting in appeal. If the same dispute had been before a Civil Court that Court would be legitimately expected to give more detailed reasons but the same can not be said of an arbitrator.

Appeal is dismissed.

Since the main case has been decided, the pending Civil Misc.
Application, if any, also stands disposed of.

10.05.2018
Pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No