

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

Date of decision : May 07, 2018

1. FAO No.593 of 1996
2. FAO No.594 of 1996

State of Punjab and others vs M/S V.K Sood & Co. & another

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Ajay Pal Singh Gill, DAG Punjab

Mr. MS Kathuria, Advocate
for Mr. AK Bansal, Advocate
for the respondents.

Ajay Tewari, J (Oral)

This order shall dispose of the aforesaid both the appeals.

These appeals have been filed against the judgment and decree passed by the Senior Sub Judge, Ropar allowing an application moved by the respondents for making the Award as rule of the Court.

Learned DAG Punjab has argued that while discussing the individual claims, the Arbitrator did not give any reason why a certain claim was accepted and why it was accepted to the extent that it was accepted. On the other hand, counsel for the respondents has argued that the Arbitrator has considered each claim and has awarded slightly less than 10% of the amount claimed. He has further argued that it was the Chief Engineer of the appellants itself who was appointed as the Arbitrator and as noticed by the

Court below, he has taken up each claim and has decided all of them in a similar manner i.e where he has allowed or rejected a particular claim it has been done in the same terms. The Court below has noticed that the quality and quantity of evidence before an Arbitrator cannot be called into question by the Court and the Court is not to substitute its own evaluation of the quality and quantity of evidence and that is the prime reason why the same objection which was raised by the appellants before the Court below has been rejected.

In my opinion, the arguments raised by counsel for the respondent are weightier and the arguments raised by the learned DAG Punjab would not justify interference with the Award or with the impugned order of the Court below. Consequently, finding no merit, these appeals are dismissed.

Since the main cases have been decided, the pending C.Ms, if any, also stand disposed of.

May 07, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No