

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

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**CM-3758-59-CII-2018 in/and
FAO-1104-2018 (O&M)
Date of Decision : 17.10.2018**

M/s Collage Estate Pvt. Ltd.

..... Appellant

Versus

Rajni Garg and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Sudhir Paruthi, Advocate
for the applicant-appellant.

AJAY TEWARI, J. (Oral)

CM-3758-59-CII-2018

For the reasons recorded, the applications are allowed. Delay of 26 days in refileing and 22 days in filing the appeal is condoned.

FAO-1104-2018 (O&M)

This appeal has been filed against the award dated 01.07.2015 passed by the Arbitrator and the order dated 05.08.2017 passed by the Additional District Judge, Jalandhar rejecting an application under Section 34 of the Arbitration and Conciliation Act, 1996 (for short '*the Act*').

The appellant is the Real Estate Developer and the respondents had purchased certain property which was developed by the appellant. The respondents claimed rental and other damages and the matter was referred to arbitration under the orders of this Court and the award having been passed in favour of the respondents, the appellant, as

mentioned above, filed an application under Section 34 of the Act and the same having been rejected, he is before this Court.

Counsel for the appellant has argued that the appellant has wrongly been foisted with the burden of paying property tax and the Arbitrator did not correctly construe the terms of Memorandum of Understanding. In my opinion, this is not justiciable in an application under Section 34 of the Act.

Consequently, the appeal is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

October 17, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No