

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

FAO No.5663 of 2018 (O&M)
Date of decision: September 07, 2018

Jai Ram ... Appellant

Versus

M/s Babu Ram and others ... Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Bhag Singh, Advocate for the appellant.

Rajan Gupta, J.

Present appeal is directed against the order dated 21.07.2018, passed by Additional District Judge, Ambala, whereby petition filed by the appellant under Section 34 of the Arbitration and Conciliation Act, 1996 for setting-aside award dated 26.07.2016, passed by respondent No.3 - Arbitrator, has been dismissed.

Brief factual matrix of the case are that appellant filed a claim before the sole arbitrator i.e. respondent No.3 against the appellant and respondent No.2, alleging that claimant/respondent No.1 is a registered firm working as a Commission agent at Anaj Mandi, Ambala Cantt. Appellant and respondent No.2 were known to respondent No.1 as they had been selling their crop to it. On the request of appellant, respondent No.1 firm advanced Rs.6,25,000/- to the appellant and respondent No.2 in April, 2012. They promised to return the said amount

alongwith interest @ 1½% per month at the time of next wheat crop, 2013. Appellant also executed hand note/voucher and agreement on the same day i.e. 20.09.2012. In the said agreement, there is an arbitration clause No.4 that all disputes or differences between the parties would be settled by arbitration in accordance with Arbitration and Conciliation Act, 1996. Despite assurances and sending legal notices, appellant and respondent No.2 did not return the loan amount. Therefore, arbitration clause of the contract agreement was invoked. Consequently, respondent No.3 was appointed as Arbitrator for settlement of the dispute. Vide award dated 26.7.2016, the appellant and respondent No.2 were directed to pay Rs.9,53,125/- alongwith interest @ 15% per annum on Rs.6,25,000/- to be computed from 25.09.2015 till the date of realization, alongwith Rs.5000/- as costs. Aggrieved, appellants filed objections under Section 34 of the Arbitration and Conciliation Act, 1996. The Additional District Judge, Ambala Cantt., vide order dated 21.7.2018, dismissed the said objections of the appellant.

I find no infirmity with the orders passed by the Arbitrator as well as the court below. It appears, the award passed by the Arbitrator is reasonable and objections raised by the appellant are not tenable. The Arbitrator had rightly appreciated the evidence led by the parties. It is settled law that award of the Arbitrator cannot be set-aside without having proved grave misconduct by the Arbitrator. Certain issues have been raised by the appellant. However, it has not been shown that any miscarriage of justice has been caused. The plea, thus, holds no substance. There is nothing on record to show that finding arrived at by

the Arbitrator as well as the court below is not in consonance with the evidence on record. Thus, appeal is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

September 07, 2018
'Rajpal'

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