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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

RA-CR-180-CII-2016 IN  
FAO-2957-2012  
Date of decision : 23.03.2018

Parshotam Singh

... Applicant(s)

Versus

Punjab Agro Industries Corporation Ltd. and others

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. V.K. Jain, Senior Advocate with  
Mr. Ravi Kadian, Advocate  
for the review applicant/appellant.

Mr. Nitin Kaushal, Advocate  
for the non-applicant/respondent No.1.

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**AMIT RAWAL, J. (ORAL)**

Prayer in the review application is for recalling of the order dated 20.05.2016 on the premise that the Arbitrator Mr. B.R. Bansal had been a counsel of the Punjab Agro Industries Corporation Ltd. as he had appeared in a writ petition bearing No.15530 of 2003 for the Corporation. The Arbitrator also did not disclose the ingredients of Section 12 of the Arbitration and Conciliation Act, 1996 (in short 'the Act'), yet proceeded with the trial of the arbitration and rendered the award. The specific objections bearing No.17 and 19 contained in petition filed under Section 34 of the Act before the Principal Court were elaborated vide amendment, which was allowed and specific allegations, in that regard, were not

emphatically denied.

Mr. V.K. Jain, learned Senior Counsel assisted by Mr. Ravi Kadian, learned counsel appearing on behalf of the review applicant/appellant submitted that it is fit case where the order, under challenge, is liable to be recalled as the award cannot be said to be impartial.

Reply has already been filed on behalf of the non-applicant/respondent No.1 represented by Mr. Kaushal, Advocate and he submitted that the review applicant/appellant is estopped to raise this plea in view of the provisions of Section 4 of the Act as had duly participated in the proceedings. Such objection cannot be taken subsequently and rightly so, has been negated by the Objecting Court and by this Court, but the factum of a lawyer, during the proceedings when the arbitration was conducted, had not been denied.

I have heard the learned counsel for the parties, appraised the paper book and of the view that this fact specifically taken in the ground of objection had not been noticed by me, during the course of hearing as well as by the Principal Court, when the objections were dealt with and dismissed. In my view, this is a serious error apparent on record, for, a person, who has been a lawyer of the Corporation, should have disclosed to the parties about his engagement in the cases and in case, the parties had given their consent, probably there would have been not any force in the arguments of Mr. Jain, to raise such objection either in the objection petition or in the review application. Resultantly, the order of mine dismissing the appeal filed against the objections suffers from error apparent on record and therefore, I intend to recall the same. Accordingly, the order dated

20.05.2016 is hereby recalled and the appeal is ordered to be restored to its original number i.e. FAO No.2957 of 2012.

**FAO No.2957 of 2012**

List as per roster.

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|------------------------------------|--------------------------------------|
| <b>23.03.2018</b><br>Yogesh Sharma | <b>( AMIT RAWAL)</b><br><b>JUDGE</b> |
|                                    | ✓                                    |
| Whether speaking/reasoned          | <b>Yes/ No</b>                       |
|                                    | ✓                                    |
| Whether Reportable                 | <b>Yes/ No</b>                       |