

IN THE HIGH COURT OF ORISSA AT CUTTACK

**ARBA No.35 Of 2012
(Through hybrid mode)**

Union of India and another ***Appellants***

Mr. Gyanalok Mohanty, Advocate

-versus-

D.D. Champatiray ***Respondent***

Mr. A. Sangneria, Advocate

CORAM: JUSTICE ARINDAM SINHA

**ORDER
25.08.2022**

Order No.

4.

1. Mr. Mohanty, learned advocate appears on behalf of appellant (Union of India). He submits, the reference was conducted such that there was misconduct by the Tribunal. His client was not heard inasmuch as the contentions in defence and counter claims could not be properly put forward in the reference. His client had petitioned for setting aside the award under section 34 in Arbitration and Conciliation Act, 1996. The Court below erred in not appreciating his client's grievance, which is why the appeal.

2. On query from Court Mr. Mohanty submits, one awarded claim was set aside by the Court below. On further query from Court Mr. Sangneria appearing on behalf of respondent submits, cross objection was not preferred by his client.

3. Perused impugned order dated 10th April, 2012. In paragraph-9 there are reasons given for satisfaction of the Court below that there was no misconduct by the Tribunal.
4. There is no merit in the appeal.
5. It appears appellant had made deposit of Rs.4,80,788/-, held to credit of the appeal in a interest bearing account. Respondent is at liberty to apply for payment of the deposit in execution.
6. The appeal is disposed of..

(Arindam Sinha)
Judge

Sks

