

IN THE HIGH COURT OF ORISSA AT CUTTACK

ARBA No.32 of 2019
(Through hybrid mode)

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

Mr. G. Mohanty, Advocate

-versus-

Sigma Data Tech ***Respondent***

Mr. Laxmidhar Pangari, Senior Advocate

CORAM: JUSTICE ARINDAM SINHA

ORDER
08.04.2022

Order No.

3.

1. Mr. Mohanty, learned advocate appears on behalf of appellants and submits, upon demise of the earlier arbitrator, there was appointment of substitute arbitrator. Said arbitrator had appeared against his client in Court, in other arbitration references. As such, his client was unsuccessful in resisting the claims in the reference as the arbitrator suffered bias against his client. He submits further in fairness, this point was not taken in the reference but for the first time in the challenge and the Court below did not accept it.

2. Mr. Pangari, learned senior advocate appears on behalf of respondent (claimant). He submits, learned advocates in

pursuing his or her profession has no personal involvement with any particular client, for or against.

3. Omission of appellants to bring to notice of the Tribunal that it apprehends bias as provided in sub-section (2) of section 13 in Arbitration and Conciliation Act, 1996 convinces this Court that while participating in the reference, appellants did not perceive or have any apprehension of bias. That is sufficient for this Court to not interfere in appeal.

4. On above observations, the appeal is disposed of.

(Arindam Sinha)
Judge

Sks

