

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

CWP-3245-2022

Date of Decision: 13th February, 2023

M/s Garrison Tools Private Limited ... Petitioner

Versus

Haryana Micro and Small Enterprises Facilitation Council and others
... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Gautam Kumar, Advocate for the petitioner.

Mr. Munish Kumar Garg, Advocate for respondent No.2.

Mr. Sharad Aggarwal, Assistant Advocate General, Haryana.

AVNEESH JHINGAN , J.(Oral)

1. This writ petition in the nature of Certiorari is filed seeking quashing of award dated 25.10.2018.

2. Brief facts of the case are that the petitioner placed a purchase order with respondent No.2 for supply of material. The terms and conditions provided for dispute resolution by way of arbitration. On approaching the Micro and Small Enterprises Facilitation Council, the matter was referred to the arbitrator and arbitration proceedings culminated into award dated 25.10.2018.

3. Aggrieved of the award, petitioner filed objections under Section 34 of the Arbitration and Conciliation Act, 1996 (for short 'the Act') on 8.10.2020. As per the pleadings in the writ petition, objections were pending on the date when the writ petition was filed.

4. Learned counsel for the petitioner submits that as the award was not being set aside by the Court concerned, the same was withdrawn.

He submits that the appointment of arbitrator was illegal.

5. Learned counsel for the respondents submits that writ is not maintainable as the petitioner had availed remedy under Section 34 of the Act.
6. Considering that the petitioner has a statutory remedy under Section 34 of the Act, he had availed the same and for the reasons best known during the pendency of the application under Section 34 had filed a writ petition.
7. No case is made out for interference in writ jurisdiction. Petition is dismissed.
8. Learned counsel for the petitioner at this stage seeks liberty to move an application for revival of objections under Section 34 of the Arbitration and Conciliation Act, 1996.
9. Needless to say that the petitioner would be at liberty to avail remedies in accordance with law.

(AVNEESH JHINGAN)
JUDGE

13th February, 2023
anuradha

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No