

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-7635 of 2018 (O&M)

DECIDED ON:25th January, 2023

Punjab State Warehousing Corporation

.....PETITIONER

VERSUS

M/s Modern Traders and another

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Vikas Singh, Advocate for petitioner.

AVNEESH JHINGAN, J (ORAL)

1. The revision petition is filed seeking quashing of order dated 4.8.2018 dismissing the appeal under Section 37 of the Arbitration and Conciliation Act, 1996 (for short 'the Act').
2. The facts in brief are that on 15.11.1994, the petitioner entered into a Custom Milling agreement with respondent No.1. There was breach of terms of agreement and an arbitrator was appointed. Award dated 7.3.2002 was passed allowing the claim to the extent of Rs.58,41,864/- along with interest. The award was challenged by respondent No.1 by filing objection under Sections 34 of the Act. The award was set aside on 17.8.2007. A new Arbitrator was appointed and vide award dated 12.2.2013 the claim was rejected as time barred. The appeal preferred by the petitioner under Section 37 of the Act was dismissed on 4.8.2018, as not maintainable.
3. Section 37 of the Act provides an appellate remedy against the orders mentioned in clauses (a) to (c) in Sub Section 1 and clauses (a) and (b) in sub section 2. For setting aside of arbitral award recourse is to be taken u/s 34 of the

Act. Arbitral award is not an appealable u/s 37 of Act.

4. The impugned order, holding that against the arbitral award the petitioner had a remedy under Section 34 of the Act which was not availed and the appeal under Section 37 of the Act is not maintainable, is upheld.

5. The petition is dismissed.

6. Since the main case has been dismissed, pending application, if any is rendered infructuous.

25th January, 2023
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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>