

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of decision: 24th April, 2023

- (1)

FAO No. 2410 of 2018 (O&M)

Hotel Marina

Versus

Partap Steel Rolling Mills (1935) Limited and another

Appellant

Respondents
- (2)

FAO No. 2415 of 2018 (O&M)

The British Institute of Engg. Tech. Pvt. Ltd.

Versus

Partap Steel Rolling Mills (1935) Limited and another

Appellant

Respondents
- (3)

FAO No. 2416 of 2018 (O&M)

John Tinson & Co. Pvt. Ltd.

Versus

Partap Steel Rolling Mills (1935) Limited and another

Appellant

Respondents
- (4)

FAO No. 2417 of 2018 (O&M)

Brite Leasing & Finance Ltd.

Versus

Partap Steel Rolling Mills (1935) Limited and another

Appellant

Respondents
- (5)

FAO No. 2418 of 2018 (O&M)

B. I. Publication Pvt. Ltd.

Versus

Appellant

Partap Steel Rolling Mills (1935) Limited and another

Respondents

(6) FAO No. 2419 of 2018 (O&M)

Digvijay Chemicals Ltd.

Appellant

Versus

Partap Steel Rolling Mills (1935) Limited and another

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Akshay Bhan, Senior Advocate with Mr. Anurag Arora,
Advocate for the appellants.
Mr. Rajesh Sethi and Mr. Arun Biriwal, Advocates for
respondent No. 1.

AVNEESH JHINGAN, J (Oral):

1. This order shall dispose of the above mentioned six appeals as the issues and facts are similar.
2. The facts are being considered from FAO No. 2410 of 2018.
3. This appeal is filed under Section 37 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') aggrieved of acceptance of objections under Section 34 of the Act filed by respondent No. 1 (hereinafter referred to as 'the respondent').
4. There was an agreement between the parties and the clause of the agreement provided for dispute resolution through arbitration. The arbitration was initiated at the instance of the appellant. The proceedings culminated in award dated 25.9.2006. The respondent filed objections under Section 34 of the Act which were accepted on 9.2.2018.
5. Learned senior counsel for the appellants submits that remand of the matter to the arbitrator was bad in law and reliance is placed upon

the decision of the Supreme Court in *Dr. A. Parthasarathy and others v. E. Springs Avenues Pvt. Ltd. and others, 2022(2) RCR (Civil) 329.*

6. Learned counsel for the respondent submits that apart from issue of lease deed being un-registered, other issues including that initiation of arbitration proceeding was bad were raised in objections under Section 34 of the Act.
7. The Additional District Judge set aside the award holding that the arbitrator had not adopted the due procedure for passing of the award; no finding was recorded as to how the arbitrator accepted the lease agreement as legal and valid and points in controversy have not been decided.
8. The Supreme Court in *Dr. A. Parthasarathy and others case (supra)* held that after setting aside of the award, two options are available to court either to consider the matter on merits on the basis of material available on record within the limited scope of interference or to relegate the parties for initiation of fresh arbitration.
9. Without commenting on the merits of the case, considering that remand of the proceedings is against the law laid down by the Supreme Court, the impugned order is set aside and the matter is remanded back to the court concerned for deciding the objections afresh without being influenced with the observations made in the impugned order.
10. Considering that the matter is pending since 2006, an endeavour would be made by the court concerned with the co-operation of the parties to decide the objections expeditiously.
11. The appeals are allowed.
12. As the main appeals have been allowed, pending application(s), if any, is rendered infructuous.

24th April, 2023

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[AVNEESH JHINGAN]

JUDGE

1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No