

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CWP-27037-2023 (O&M)
Date of Decision:-02.12.2023

M/s Hardev Singh and Company

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vishal Garg, Advocate, for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner herein seeks issuance of a writ in the nature of *certiorari* for quashing of award dated 18.10.2023 (Annexure P-8) passed by respondent No.2.
2. Learned counsel submits that the Arbitrator has acted in a mala-fide manner and that although an application under Section 14(2) of Arbitration and Conciliation Act 1996 (hereinafter referred to as '*the Act*') had been filed wherein notice had also been issued and records of the Arbitrator had been called for by the District Judge, but the Arbitrator despite being aware of the same proceeded hurriedly with the matter. Learned counsel submitted that subsequently the petitioner apprehending that the Arbitrator would pass an order even before the application under Section 14(2) of the Act is decided moved for grant of stay to the District Judge, which was granted on 18.10.2023 but it transpired that the award had already been passed on 18.10.2023 whereas it is practically not possible for the Arbitrator to have passed the 100 page award on the same day.

3. This Court has considered the aforesaid submission.
4. This Court however, finds that the petitioner has the statutory remedy of challenging the award by way of filing a petition under Section 34 of the Act which has not been availed of. Under these circumstances the instant petition is disposed of with liberty to the petitioner to approach the District Court concerned for filing petition under Section 34 of the Arbitration and Conciliation Act.
5. Needless to mention that the petitioner would be at liberty to raise all the pleas as have been raised herein before the Court before whom petition under Section 34 of the Act is presented. Upon such petition being filed, the Court concerned shall deal with all the contentions in accordance with law and shall pass a speaking order in respect of such contentions expeditiously.
6. The petition stands disposed of accordingly.

02.12.2023

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No