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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

(110)

CR-2153-2024

Date of decision:- 24.07.2024

Border Fencing Division-V, C.P.W.D.

... Petitioner

Versus

M/s P.K.Verma & Co. and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Brijeshwar Singh Kanwar, Advocate
for the petitioner.

Mr. Dheeraj Mahajan, Advocate
for the respondents.

SUVIR SEHGAL, J. (ORAL)

1. Petitioner has approached this Court by way of instant revision petition filed under Article 227 of the Constitution of India for setting aside impugned order dated 02.03.2024, Annexure P-19, passed by the Arbitral Tribunal, whereby application dated 15.05.2023, Annexure P-6, for termination of the proceedings has been dismissed.

2. By making a reference to the observations made by the learned Arbitrator on the penultimate page of the impugned order, counsel for the petitioner submits that some observations have been made by the Tribunal, which are against the record. At this stage, he seeks permission to move a fresh application before the learned Arbitrator with the same prayer.

3. Mr. Mahajan, who has appeared on behalf of the respondents, has opposed the prayer and submits that after the passing of this order,



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petitioner has filed separate applications under Section 12 of the Arbitration and Conciliation Act, 1996, which have been rejected by the learned Tribunal by passing a detailed order on 06.06.2024, which has been read out. By making a reference to the judgment of the Supreme Court in *M/s S.B.P. & Co. Versus M/s Patel Engineering Ltd. & Anr., 2005 (8) SCC 618*, he has opposed the petition by urging that it is not maintainable.

4. Be that as it may, as at this stage, petitioner is only seeking a permission to move a fresh application, this Court does not see any reason to decline the request.

5. Let the petitioner move a fresh application, if so advised, in accordance with law before the learned Arbitrator. In case, such an application is moved, the learned Tribunal is expected to decide it on its own merits, in accordance with law.

6. Revision petition is disposed of.

24.07.2024
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No