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

**FAO-2354-2019 (O&M)
Date of Decision: 10.12.2025**

Kartar Singh

.... Appellant

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Nikhil Sharma, Advocate for
Mr. Rajvir Singh Sihag, Advocate
for the appellant.

Mr. Rajiv Malhotra, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)**CM-1-CII-2019**

The present application has been filed for condonation of delay of 112 days in re-filing the present appeal.

For the reasons mentioned in the application, the same is allowed and the delay of 112 days in re-filing the appeal, is hereby condoned.

Main Case:

1. The present is a first appeal filed under Section 37 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') challenging the order dated 13.03.2018 (Annexure A1) passed by learned Additional District Judge, Rohtak vide which the objections under Section 34 of the Act filed by the appellant against the arbitral award dated



17.04.2017 have been dismissed.

2. Learned counsel appearing on behalf of the appellant submitted that the appellant and the respondent entered into a contract with each other wherein there was a valid arbitration clause and in pursuance of the arbitration clause, an Arbitrator was appointed and thereafter, the appellant filed a statement of claim before learned Arbitrator but learned Arbitrator did not grant any claim of the appellant and passed an Award vide Annexure A-5 dated 17.04.2017. Thereafter, the appellant filed objections under Section 34 of the Act which was dismissed by learned Additional District Judge, Rohtak vide order dated 13.03.2018 (Annexure A-1). The said order passed by learned Additional District Judge was erroneous because of the reason that learned Additional District Judge while considering the objections under Section 34 of the Act has not considered the aspect pertaining to the non-adjudication of individual claims which were claimed by the appellant in the statement of claim and submitted that in view of the above, the impugned order is liable to be set aside.

3. On the other hand, Mr. Rajiv Malhotra, learned Deputy Advocate General, Haryana submitted that when the appellant filed statement of claim, he raised various claims and learned Arbitrator had dealt with all the claims of the appellant although not on individual basis but the entire claims were discussed collectively in a detailed manner and it was found that the appellant was not entitled to grant of the claim which he had made and a detailed Award was passed regarding the same.

4. Learned State Counsel submitted that when the appellant filed objections under Section 34 of the Act, then learned Court of Additional District Judge dismissed the objections on the ground that none of the



grounds contained in Section 34 of the Act were fulfilled because the Court hearing the objections under Section 34 of the Act would not re-appreciate the facts on merits and it is only when the case falls under any of the said grounds that the Award can be interfered with or can be set aside which was not the case here. Therefore, learned Additional District Judge has rightly dismissed the objections filed by the appellant.

5. I have heard learned counsels for the parties.

6. A perusal of the award which has been attached with the present appeal vide Annexure A-5 would show that the appellant had in fact made ten claims on different heads. Thereafter, the claimant had proved on record various documents which were 51 in number and those documents included various letters. Similarly, the respondent-State also proved on record three documents. Oral testimony of the witnesses were also recorded. Thereafter learned Arbitrator in a detailed manner dealt with the claim of the appellant although not on individual basis but collectively and came to the conclusion that there is no claim which can be granted to the appellant. Various clauses of the Agreement were also discussed by learned Arbitrator while passing the award and it was also so observed specially in Para No.47 of the Award that admittedly payments of the bills from time to time were received by the claimant without objection and without raising any plea that he was required to be compensated on account of delay in the execution of the work attributable to respondent and even final bill was accepted by the appellant without any objection and considering the totality of the facts and circumstances and considering all the documents which were proved on record by both the claimant and respondent and the oral testimony of the witnesses, learned Arbitrator came to the conclusion that no claim of the



claimant (present appellant) was sustainable and therefore, he did not grant any claim to the claimant.

7. A perusal of the impugned order passed by learned Additional District Judge while dismissing the objections under Section 34 of Act would show that there was nothing brought on record or pleaded by the appellant before learned Court as to how the case would fall under any of the parameters under Section 34 of the Act since the scope of Section 34 of the Act is limited to only on those grounds which are mentioned in Section 34 of the Act and therefore the aforesaid objections were dismissed by learned Additional District Judge.

8. So far as the scope of Section 34 and Section 37 is concerned, the law in this regard is well settled. With regard to the scope of Section 34 of the Act Hon'ble Supreme Court in ***Consolidated Construction Consortium Limited v. Software Technology Parks of India, 2025 (7) SCC 757***, held that the role of the court under Section 34 of the 1996 Act is clearly demarcated. It is a restrictive jurisdiction and has to be invoked in a conservative manner. The reason is that arbitral autonomy must be respected and judicial interference should remain minimal otherwise it will defeat the very object of the 1996 Act. The relevant portion of the aforesaid judgment is reproduced as under: -

“45. Sub-section (1) of Section 34 provides that an application may be made to the competent court for setting aside an arbitral award. This is the only remedy available for setting aside an arbitral award. The conditions for setting aside an arbitral award are mentioned in sub-sections (2) and (2A). Sub-section (2) provides for situations such as the agreed party was under some incapacity or the arbitration agreement is not



valid under the law or the aggrieved party did not receive proper notice regarding appointment of arbitrator or of the arbitral proceedings which prevented it from presenting its case or the arbitral award deals with a dispute not contemplated by or not falling within the terms of arbitration or the composition of the arbitral tribunal or the procedure adopted in arbitration were not in accordance with the agreement of the parties or the subject matter of dispute is not capable of settlement by arbitration or the arbitral award is in conflict within the public policy of India. In terms of sub-section (2A), an arbitral award may also be set aside on the ground of patent illegality appearing on the face of the award. Sub-section (3) provides for the time limit for filing of an application for setting aside arbitral award. Therefore, the grounds on which an arbitral award can be set aside are clearly mentioned in Sections 34(2) and 34(2A) of the 1996 Act. An arbitral award cannot be set aside on a ground which is beyond the grounds mentioned in sub-sections (2) and (2A) of Section 34.

46. Scope of Section 34 of the 1996 Act is now well crystallized by a plethora of judgments of this Court. Section 34 is not in the nature of an appellate provision. It provides for setting aside an arbitral award that too only on very limited grounds i.e. as those contained in sub-sections (2) and (2A) of Section 34. It is the only remedy for setting aside an arbitral award. An arbitral award is not liable to be interfered with only on the ground that the award is illegal or is erroneous in law which would require re-appraisal of the evidence adduced before the arbitral tribunal. If two views are possible, there is no scope for the court to re-appraise the evidence and to take the view other than the one taken by the arbitrator. The view taken by the arbitral tribunal is ordinarily to be accepted and allowed to prevail. Thus, the scope of interference in arbitral matters is only confined to the extent envisaged under Section 34 of the Act. The court exercising powers under Section 34 has per-



force to limit its jurisdiction within the four corners of Section 34. It cannot travel beyond Section 34. Thus, proceedings under Section 34 are summary in nature and not like a full-fledged civil suit or a civil appeal. The award as such cannot be touched unless it is contrary to the substantive provisions of law or Section 34 of the 1996 Act or the terms of the agreement.

47. Therefore, the role of the court under Section 34 of the 1996 Act is clearly demarcated. It is a restrictive jurisdiction and has to be invoked in a conservative manner. The reason is that arbitral autonomy must be respected and judicial interference should remain minimal otherwise it will defeat the very object of the 1996 Act.”

9. So far as the scope of Section 37 of the Act is concerned, it also has very narrow scope. The law with regard to interference under Section 37 of the Act is no longer *res integra*. Hon’ble Supreme Court in “**M/s C and C Constructions Limited versus IRCON International Limited**”, 2025 (4) SCC 234 held that the scope of interference in an appeal under Section 37 of the Act is well settled and reference was made to the earlier judgments passed by Hon’ble Supreme Court in “**Larsen Air Conditioning and Refrigeration Company Vs. Union of India and others**”, (2023) 15 SCC 472 and also in “**Konkan Railway Corporation Limited Vs. Chenab Bridge Project Undertaking**”, (2023) 9 SCC 85. The relevant portion of the aforesaid judgment in *M/s C and C Constructions Limited’s case (Supra)* is reproduced as under:-

*“34. As far as scope of interference in an appeal under Section 37 of the Arbitration Act is concerned, the law is well settled. In **Larsen Air Conditioning and Refrigeration Company v. Union of India**, (2023) 15 SCC 472 in para 15, this court held thus:*

“15. The limited and extremely circumscribed



jurisdiction of the court under Section 34 of the Act, permits the court to interfere with an award, sans the grounds of patent illegality i.e. that “illegality must go to the root of the matter and cannot be of a trivial nature”; and that the Tribunal “must decide in accordance with the terms of the contract, but if an arbitrator construes a term of the contract in a reasonable manner, it will not mean that the award can be set aside on this ground” [ref : Associate Builders, SCC p. 81, para 42]. The other ground would be denial of natural justice. In appeal, Section 37 of the Act grants narrower scope to the appellate court to review the findings in an award, if it has been upheld, or substantially upheld under Section 34.”

(emphasis in original and supplied)

35. In *Konkan Railway Corpn. Ltd. v. Chenab Bridge Project* in para 18, this court held thus: (SCC P.93)

*“18. At the outset, we may state that the jurisdiction of the court under Section 37 of the Act, as clarified by this Court in *MMTC Ltd. v. Vedanta Ltd.* Scope of interference by a court in an appeal under Section 37 of the Act, in examining an order, setting aside or refusing to set aside an award, is restricted and subject to the same grounds as the challenge under Section 34 of the Act.”*

10. A perusal of the award would show that the learned Arbitrator has decided all the claims collectively and not individually but in a detailed manner by considering evidence and the appellant before learned Court of Additional District Judge had sought and now before this Court is seeking re-appreciation of evidence on merits. The argument raised by learned

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counsel for the appellant that claims were not decided individually cannot become a ground for setting aside of the award and does not fall under any of the parameters of Section 34 of the Act. The mere fact that learned Arbitrator has not decided the claim on individual basis but has collectively decided the same although in a detailed manner would not mean that the same would become a ground for setting aside of the award in view of the aforesaid settled law as the jurisdiction of the court under section 34 of the Act is limited and extremely circumscribed which permits the court to interfere with an award, sans the grounds of patent illegality i.e. that illegality must go to the root of the matter and cannot be of a trivial nature.

11. In view of the aforesaid facts and circumstances, this Court is of the view that the present appeal is devoid of merits and the same is hereby dismissed.

10.12.2025*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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