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

**FAO-5720-2018 (O&M)
Date of decision: 20.02.2026**

M/S RADIANT CABLES

...Appellant(s)

VERSUS

UNION OF INDIA AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

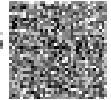
Present:- Mr. Sanjeev Ralli, Senior Advocate with
Mr. Shubham Yadav, Advocate and
Mr. Vivek Verma, Advocate
for the appellant.

Mr. Arnav Kumar, Advocate
for the respondent-UOI.

JASGURPREET SINGH PURI, J. (Oral)

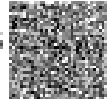
1. The present appeal has been filed under Section 37 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') challenging the judgment dated 03.11.2017 passed by the learned Additional District Judge, Patiala, whereby the objections filed by the appellant under Section 34 of the Act were dismissed.

2. Mr. Sanjeev Ralli, learned Senior Counsel assisted by Mr. Shubham Yadav, Advocate and Mr. Vivek Verma, Advocate appearing on behalf of the appellant submitted that an award was passed against the appellant by the learned Arbitrator, which was assailed before the learned Additional District Judge, Patiala, by filing objections under Section 34 of the Act but by



way of the impugned judgment, the learned Court dismissed the objections without considering the grounds taken in the objection petition. He further submitted that a perusal of paragraph No.4 of the impugned judgment clearly shows that the learned Court had taken note of five different grounds raised by the appellant, which go to the root of the controversy pertaining to the objections and fall within the parameters prescribed under Section 34 of the Act and furthermore, various other grounds were also raised. He further submitted that thereafter, upon noting the aforesaid grounds and contentions of the appellant, the learned Court also noted down the contentions of the respondents as well. However, in the impugned judgment, especially in the operative part, the aforesaid grounds despite being noted were not considered and the learned Court thereafter largely reproduced the provisions of law starting from paragraph No.13 onwards. After reproducing the provisions of law contained in Section 34 of the Act and Sections 75 and 81 of the Act, the learned Court observed in para No.15 that the case of the appellant does not even fall within the parameters of Section 34(2) of the Act, which so provides that an award is in conflict with the public policy of India if the making of the award was induced or affected by fraud or corruption or was in violation of Section 75 or Section 81 of the Act and it was further observed by the learned Court that the provisions of Sections 75 or 81 of the Act were not invoked in the present case.

3. Learned Senior Counsel submitted that it was not at all the case of the appellant that any fraud has been committed and therefore, references to Section 75 or Section 81 of the Act read with Section 34(2) of the Act were out of the context and consequently, the learned Additional District Judge, Patiala

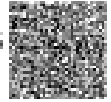


could not have even referred to the aforesaid provisions and rather ought to have considered all the grounds in deciding the aforesaid five grounds raised by the appellant in paragraph No.4 of the impugned judgment but the learned Court failed to exercise its jurisdiction in this regard and therefore, the aforesaid impugned order is clearly liable to be set aside.

4. In this regard, Mr. Ralli referred to the judgment passed by Hon'ble Supreme Court in **Bombay Slum Redevelopment Corporation Private Limited versus Samir Narain Bhojwani, 2024 SCC OnLine SC 1656** and submitted that three parameters were laid down by Hon'ble Supreme Court in paragraph No.29. He submitted that it was so observed by Hon'ble Supreme Court that one of the grounds for remanding a case would be when the learned Court hearing the objections under Section 34 of the Act has summarily disposed of the petition without considering the merits.

5. On the other hand, Mr. Arnav Kumar, learned counsel for the respondent-UOI submitted that the learned Court while deciding the objections under Section 34 of the Act referred to the objections raised by the appellant but observed that the case of the appellant did not fall within the prescribed parameters and by way of illustration only, in para No.15 it was observed that even fraud was not made out and therefore, the present appeal is liable to be dismissed.

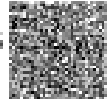
6. I have heard the learned counsels for the parties and also perused the aforesaid impugned judgment passed by the learned Additional District Judge, Patiala.



7. A perusal of the impugned judgment would show that in paragraph No.4, the learned Court has referred to and noted down the grounds of challenge under Section 34 of the Act from serial Nos.1 to 5 by segregating the same. In addition to the above, it was the argument of the learned Senior Counsel appearing on behalf of the appellant that apart from the five grounds being taken, there were also other grounds raised in the objection petition filed under Section 34 of the Act. A further perusal of the impugned judgment would show that the discussion by the learned Additional District Judge, Patiala starts from paragraph No.13 onwards and thereafter, there is only a reproduction of the statutory provisions of law under Section 34 of the Act and Sections 75 and 81 of the Act and it was only in paragraph No.15 that it was observed that the case of the appellant does not even fall within the ground of fraud or conflict with public policy. However, a perusal of five grounds raised by the appellant in paragraph No.4 would show that the ground of fraud has not been taken and therefore, it is not understandable as to from where the learned Additional District Judge, Patiala has considered the aforesaid ground. Barring the aforesaid paragraph No.15, which was not in the context of what the grounds were taken, there is no other consideration of the grounds taken by the appellant.

8. The law in this regard as to how the objections under Section 34 of the Act are to be dealt with is very clear. Hon'ble Supreme Court in **Bombay Slum Redevelopment Corporation Private Limited's case (Supra)** in paragraph No.29 observed as under:-

“29. There may be exceptional cases where remand in an appeal under Section 37 of the Arbitration Act may be



warranted. Some of the exceptional cases can be stated by way of illustration:

(a) Summary disposal of a petition under Section 34 of the Arbitration Act is made without consideration of merits;

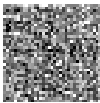
(b) Without service of notice to the respondent in a petition under Section 34, interference is made with the award; and

(c) Decision in proceedings under Section 34 is rendered when one or more contesting parties are dead, and their legal representatives have not been brought on record.”

9. In another judgment passed by Hon'ble Supreme Court in **Kalanithi Maran versus Ajay Singh and another, 2024 SCC Online SC 1876,** it was observed that the Judge hearing an application under Section 34 of the Act must apply his mind to the grounds of challenge and then deduce as to whether a case for interference within the parameters of Section 34 of the Act has been made out or not.

10. In view of the aforesaid facts and circumstances, this Court is of the considered view that the law in this regard as to whether the learned Court while hearing the objections under Section 34 of the Act should consider the grounds taken and thereafter, make an observation by passing a reasoned order is well settled. In the present case, a perusal of the impugned judgment clearly shows that the grounds taken by the appellant were not considered at all by the learned Additional District Judge, Patiala and therefore, the impugned judgment cannot sustain.

11. Consequently, the present appeal is allowed. The impugned judgment dated 03.11.2017 passed by the learned Additional District Judge, Patiala, is hereby set aside. The matter is remanded back to the learned



Additional District Judge, Patiala, to pass a fresh judgment after duly considering all the objections raised by the appellant in the objection petition, strictly in accordance with law. It is made clear that the fresh judgment shall be passed with due application of mind and uninfluenced by the earlier judgment dated 03.11.2017, which has been set aside in the present appeal, as well as the present order passed by this Court as this Court has not observed anything on the merits of the case.

12. The parties are directed to appear before the learned Additional District Judge, Patiala, on 23.03.2026. Since the objections under Section 34 of the Act were filed by the appellant in the year 2014, the learned Court shall decide the objections as expeditiously as possible.

20.02.2026
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No