

ARB-49-2023 Namandeep Kaur v. Union of India

Present: Sh. Sunil Kumar, Advocate for the petitioners.
 Sh. Kamaljit Singh, Advocate for respondents No. 1 and 2.
 Service of respondents No. 3 and 4 dispensed with.

The present petition under Section 34 of the Arbitration and Conciliation Act, 1996 has been moved by the landowner while feeling aggrieved by the arbitral award passed by the Commissioner Faridkot Division, Faridkot. The respondents, instead of filing reply to the main petition, moved separate application seeking dismissal of objection petition on the premise that the grounds of challenge were not covered within the ambit of Section 34 of the Arbitration and Conciliation Act, 1996 and even prayer for modification of award is not sustainable in the light of law laid down by Hon'ble Supreme Court of India in *Project Director NHAI v. M. Hakeem & another*, 2021 AIR (Supreme Court) 3471.

The petitioner resisted such application of respondents being not sustainable.

After considering the rival submissions of both sides, it is evident that the respondents are seeking dismissal of objection petition touching the merits of the plea raised by the petitioner (landowner) and with regard to prayer for modification of award made by him. All these grounds will be available to the petitioner during the stage of arguments on merits and this is not the appropriate stage at threshold to make any opinion touching the merits of the objection petition. It is also appearing from the record that the petitioner has no doubt made prayer for modification of award but it also made prayer to grant any other relief to which he is found entitled. Keeping in view such plea of the petitioner (landowner), it cannot be said at the threshold stage that the petition is not maintainable in view of law laid down by Hon'ble Supreme Court in afore referred case.

With these observations, present application stands disposed of with liberty to the respondents to raise all such pleas touching the merits of the case, which will be adjudicated by this court after hearing the respective contentions of both parties. Respondents shall file reply to objection petition till 06.02.2025 and arbitration record be also summoned.

Rajiv Kalra (PB0098)
Additional District Judge,
Bathinda

Date: 10.10.2024
Vikas (Stenographer-III)