

Lalit Mohan and Ors. Vs. Union of India and Ors. ARB-23-2017

Present: Sh. Sanjay Mehta, Advocate counsel for petitioner.
Sh. Amish Goyal, Advocate for respondent No.1 and 2.
Respondent No.3 ex parte.

Case was fixed for evidence of parties. Present petition is under Section 34 of Arbitration and Conciliation Act 1996. Counsel for respondent has referred to Civil appeal No.8367 of 2018 decided by Hon'ble Supreme Court in case titled "M/s Emkay Global Financial Services Ltd. Vs. Girdhar Sondhi" where it has been held that in speedy resolution of arbitral disputes has been reason for enacting 1996 Act and said object will be defeated if issues are to be framed and oral evidence taken in summary proceeding under Section 34. Application for setting aside arbitral award not ordinarily require anything beyond record that was before arbitrator. However, if there are matters not contained in such record, and are relevant for determination of issues they may be brought to notice of Court by way of affidavits filed by both the parties. Cross examination of persons swearing to affidavits should not be allowed unless absolutely necessary. Counsel for the parties stated that there are no relevant points of determination which are required to be proved by way of affidavits. Thus there is no necessity of producing evidence. Now for arguments to come up for 18.08.2021.

(Sandeep Kumar Singla)
Addl. Sessions Judge
SAS Nagar (Mohali)
(UID No. PB0118)

Date of order: 16.07.2021

(Lokesh Sharma)
Stenographer III