

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR



2026:RJ-JP:20260-DB

D.B. Civil Miscellaneous Appeal No. 2007/2023

Parsa Kente Collieries Limited

----Appellant

Versus

Rajasthan Rajya Vidyut Utpadan Nigam Limited

----Respondent

For Appellant(s)	:	Mr. Sudhir Gupta, Senior Advocate assisted by Mr. Sandeep Pathak, Mr. Abhisar Bairagi, Ms. Ausaf Ayyub, Ms. Shweta Chouhan, Mr. Rachit Somani, Mr. Arnav Singh
For Respondent(s)	:	Mr. R.K. Aggarwal, Senior Advocate assisted by Mr. Adhiraj Modi

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE SANGEETA SHARMA

Order

05/02/2026

Mr. Sudhir Gupta, learned Senior Counsel appearing for the appellant has invited our attention to the judgment passed in the case of **Gayatri Balasamy Vs. M/s. ISG Novasoft Technologies Limited [Civil Appeal arising out of SLP (C) Nos.15336-15337/2021]**, to submit that learned Commercial Court has erred in setting aside the complete award and the additional award based on accepting of the objections relating to the respondent's claim Nos.2, 4, 6, 7 & 8. He submits that if the claims have been set aside, the entire award would not be set aside in view of law as laid down in the case of **Gayatri Balasamy** (*supra*). He further submits that learned Commercial Court ought to have upheld the claim Nos.1, 3, 5 & 9. He submits



that learned Commercial Court has also erred in setting aside the additional arbitral award.

Per contra, Mr. R.K. Aggarwal, learned Senior Counsel appearing for the respondent submits that after the judgment passed in the case of **Gayatri Balasamy** (*supra*), learned Commercial Court ought to have passed judgment setting aside the award to the extent of claim Nos.2, 4, 6, 7 & 8 alone. He further submits that while this Court is examining the appeal of the appellant with reference to setting aside the claim Nos.2, 4, 6, 7 & 8 as well as the additional arbitral award, the respondent would have a right also to assert that the objections, which have been set aside by learned Commercial Court relating to claim Nos.1, 3, 5 & 9 should also be examined and the respondent presses its objections, which should also be examined in the present appeal. He submits that for the said purpose, no cross-objections are required to be separately filed in the present appeal. He further submits that as the entire award was set aside, there was no occasion for the respondent to have raised objections/filed appeal under Section 37 of the Arbitration and Conciliation Act, 1996 relating to the upholding of the claim Nos.1, 3, 5 & 9.

He relies on the judgment passed by the Hon'ble Supreme Court in the cases of **Ravinder Kumar Sharma Vs. State of Assam and Others, (1999) 7 SCC 435** and **Prabhakar Gones prabhu Navelkar (Dead) through Legal Representatives and Others Vs. Saradchandra Suria Prabhu Navelkar (Dead) through Legal Representatives and Others, (2020) 20 SCC 465.**



[CMA-2007/



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List this case for hearing on 24.03.2026.

(SANGEETA SHARMA),J
N.GANDHI/RAJAT/147

(SANJEEV PRAKASH SHARMA),ACTING CJ