

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).19465/2003

(From the judgement and order dated 10/04/2003 in CR No. 4598/2000 of  
HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

M/S. MOHIWAL CONSTRUCTION CO.

Petitioner(s)

VERSUS

STATE OF PUNJAB & ORS.

Respondent(s)

(With appln(s) for c/delay in filing SLP and office report )

Date: 29/11/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL

HON'BLE MR. JUSTICE C.K. THAKKER

For Petitioner(s) Mr. Manoj Swarup,Adv.

For Respondent(s) Mr. Arun K. Sinha,Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal is allowed.

(Usha Bhardwaj)  
P.S. to Registrar

(Madhu Saxena)  
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.....OF 2004

(Arising out of SLP(Civil) No.19465 of 2003)

M/s Mohiwal Construction Co. ...Appellant

vs.

State of Punjab & Ors. ...Respondents

O R D E R

Leave granted.

The dispute which had arisen between the parties was referred to an Arbitrator in terms of the arbitration clause contained in an agreement which had been earlier arrived at between them. The Arbitrator passed an Award. On an objection being raised by the respondent the Award was set aside and the matter was referred to a second Arbitrator on 3th April, 1995. The second Arbitrator passed an Award in favour of the appellant. This Award shows that although three claims were raised by the appellant appellant, namely, claim Part I, Part II and Part III, only the first claim was allowed by the Arbitrator for an amount of

Rs.4,27,401/-. No Award was passed in respect of claims No.II or III.  
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respondents again filed an objection to this Award before the Trial Court. The objection was rejected. The appeal preferred by the respondent from such rejection was also dismissed. The respondent then preferred a revision application before the High Court. The High Court set

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aside the Award only on the ground that the Arbitrator had entertained Claim No.III which was beyond his competence as the Court had not referred Claim No.III to be adjudicated upon by the Arbitrator. The High Court also assumed that the Arbitrator had passed an award in respect of the Claim No.III.

As we have already indicated, Claim No.III was expressly negatived by the Arbitrator. Although the appellant contends that the High Court was wrong in coming to the conclusion that Claim No.III had not been referred to the Arbitrator, we think it sufficient to hold that the High Court ought not to have interfered with the Award of the Arbitrator on the basis of such technicality, particularly when the Arbitrator had not passed any Award in respect of Claim No.III.

The appeal is allowed. The order of the High Court is set aside and the orders of the Trial and first Appellate Court are confirmed.

.....J.

(RUMA PAL)

.....J.

(C.K. THAKKER)

New Delhi,

November 29, 2004