
(2006) 06 MAD CK 0131
In the Madras High Court
Case No : C.R.P. (PD) No. 85 of 2005

T.M. Muthuselvam

APPELLANT

Vs

E. Ramiah

RESPONDENT

Date of Decision : 29-06-2006

Acts Referred:

Arbitration and Conciliation Act, 1996 — Section 34

Citation : (2006) 4 LW 191

Hon'ble Judges : S. Rajeswaran, J

Bench : Single Bench

Advocate : S. Subbiah, for the Appellant; Jayanthi Venkatesan, for the Respondent

Final Decision : Dismissed

Judgement

S. Rajeswaran, J.—This Revision Petition has been preferred under Article 227 of the Constitution of India to set aside the proceedings of

the Arbitral Tribunal dated 1.12.2004, in Arbitration Case No. 1/2002, on the file of the sole arbitrator Mr. N.C. Vijairaghavan.

2. By the proceedings dated 1.12.2004 the arbitrator disposed of the challenge made by the claimant before him as

to his impartiality and independence.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent. I have also gone through the affidavit and other

documents filed in support of their submissions.

4. The Arbitration and Conciliation Act, 1996 is a special enactment with provisions elaborately dealing with the procedures to be followed as to

how the award is to be challenged including any order that would be passed by the arbitrator in an application questioning his independence and

impartiality. If any order is passed by the arbitrator rejecting such an application, questioning his independence and impartiality, the aggrieved party

has to wait till the award is passed and the order of rejection can also be challenged along with the award u/s 34 of the Act and not otherwise.

Hence the present revision petition filed under Article 227 of the Constitution of India is not at all maintainable.

5. Consequently, the Civil Revision Petition is dismissed as not maintainable. No costs. C.M.P. No. 925/2005 is also dismissed.