

(2022) 06 OHC CK 0122
In the Orissa High Court
Case No : ARBA No. 40 Of 2013

Union Of India

APPELLANT

Vs

M/s. Loknath Biswal

RESPONDENT

Date of Decision : 30-06-2022

Acts Referred:

Arbitration and Conciliation Act, 1996 — Section 34, 37

Citation : (2022) 06 OHC CK 0122

Hon'ble Judges : Arindam Sinha, J

Bench : Single Bench

Advocate : P.K. Parhi, S.S. Kashyup, A. Patnaik

Final Decision : Allowed

Judgement

Arindam Sinha, J

1. Mr. Kashyup, learned advocate appears on behalf of appellant. He submits, dispute between the parties is regarding interpretation of clause-7 in the contract. It relates to price variation. Contract period was for two years and extended by a month. The work was abandoned. The price variation clause cannot be invoked. However, he seeks adjournment to further analyze the clause and make submissions on adjourned date.

2. Mr. Patnaik, learned advocate appears on behalf of respondent and submits, there is no error in impugned judgment upholding the award. No ground under section 34, Arbitration and Conciliation Act, 1996 could be made out by appellant before the Court below. He relies on judgment dated 13th November, 2021 of the Supreme Court in Civil Appeal no.6832 of 2021 (Panjab State Civil Supplies Corporation Ltd. and another v. M/s. Ramesh Kumar and Company and others) to submit, thereby law was declared on scope of section 37 appeal.

3. Adjournment granted is peremptory.

4. List on 7th July, 2022 under same heading, as prayed for by Mr. Kashyup.

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