

(2010) 03 DEL CK 0393
In the Delhi High Court
Case No : O.M.P. 361 of 2002

Union of India (UOI) and Another

APPELLANT

Vs

S. Narayan and Sons

RESPONDENT

Date of Decision : 11-03-2010

Acts Referred:

Arbitration and Conciliation Act, 1996 — Section 34

Citation : (2010) 03 DEL CK 0393

Hon'ble Judges : Manmohan, J

Bench : Single Bench

Advocate : A.K. Bhardwaj, for the Appellant; Shiv Khorana and Ashish Khorana, for the Respondent

Final Decision : Dismissed

Judgement

Manmohan, J.—Present petition has been filed u/s 34 of Arbitration and Conciliation Act, 1996 (hereinafter referred to as "Act, 1996") challenging the arbitral Award dated 27th June, 2002 and the Corrigendum dated 5th July, 2002 passed by the Sole Arbitrator, Mr. B.L. Nishad, Joint Secretary and Legal Adviser, Ministry of Law, Justice & Company Affairs.

2. At the outset, Mr. Shiv Khorana, learned Counsel for respondent-claimant stated that two contracts had been awarded at the same time to two contractors for printing of Sainik Samachar, a weekly magazine floated by petitioner-UOI. While the first contract was awarded to Samrat Press, the second contract was awarded to present respondent-claimant. He pointed out that both Samrat Press and present respondent-firm were owned by the same family. He also stated that both the contracts were executed simultaneously.

3. Mr. Khorana stated that as correspondence and disputes in both the contracts were similar, they were referred to Mr. B.L. Nishad, Sole Arbitrator, who rendered similar awards in both the contracts on the same date, namely, 27th June, 2002.

4. He further stated that while the objection petition filed by the petitioner-UOI

against Samrat Press was listed as O.M.P. 367/2002 titled as Union of India and Anr. v. Samrat Press, present objection petition was listed as O.M.P. 361/2002.

5. Mr. Khorana pointed out that objection petition being O.M.P. 367/2002 was dismissed vide order dated 3rd October, 2008 passed by Hon"ble Mr. Justice Rajiv Sahai Endlaw except with regard to the rate of interest which was modified from 18% to 9% per annum. However in an appeal filed by Samrat Press being FAO(OS) No. 39/2009, the rate of interest was restored to 18% per annum.

6. Mr. Khorana submitted that the present case was fully covered by the judgment dated 3rd October, 2008 passed by learned Single Judge in O.M.P. No. 367/2002 as well as Division Bench's judgment dated 23rd July, 2009 passed in FAO(OS) 39/2009. He pointed out that the petitioner-UOI had accepted the aforesaid order of the Division Bench and had paid the awarded amount.

7. Consequently, keeping in view the fact that tender terms, disputes, Awards and objections filed in OMP 367/2002 as well as present O.M.P. 361/2002 are similar, I am of the view that the present matter is fully covered by the judgment dated 3rd October, 2008 passed by learned Single Judge in O.M.P. No. 367/2002 as well as Division Bench's judgment dated 23rd July, 2009 in FAO(OS) 39/2009. Mr. A.K. Bhardwaj, learned Counsel for petitioner-UOI was also unable to convince me that the present objections are any different from the objections filed in O.M.P. No. 367/2002. Accordingly, present objection petition is dismissed but with no order as to costs.