

(2009) 07 DEL CK 0304
In the Delhi High Court
Case No : F.A.O. (OS) 499 of 2006

Union of India (UOI)

APPELLANT

Vs

Greaves Ltd.

RESPONDENT

Date of Decision : 09-07-2009

Acts Referred:

Arbitration Act, 1940 — Section 30, 33

Citation : (2009) 07 DEL CK 0304

Hon'ble Judges : Neeraj Kishan Kaul, J;Mukul Mudgal, J

Bench : Division Bench

Advocate : Geeta Sharma, Maneesha Dheer, for the Appellant; V.K. Aggarwal, for the Respondent

Final Decision : Dismissed

Judgement

Mukul Mudgal, J.—This appeal challenges the judgment dated 3rd April, 2006 passed by the learned Single Judge in which appeal, while referring claim Nos. 1, 2(b), (c), 3 and 4 to 7 for fresh adjudication by the Arbitrator, the learned Single Judge confirmed claim Nos. 2(a), 3 and 8. The main arguments before the learned Single Judge as noted in para 3 of the impugned judgment were in respect of claim No. 3. The claim No. 3 was said to be beyond the terms of provision of Clause 11 of Indian Army Forms Works -2249(General Conditions of Contract). The learned Single Judge has noted that it was an admitted position between the parties that the contract did not prohibit the making of a non-speaking award.

2. In our view, learned Single Judge has also rightly held that once a non-speaking award is made, it is not open to the Court under Sections 30 and 33 of the Arbitration Act, 1940 to go into the probabilities and possibilities of what may have entered the mind set and thought process of the Arbitrator. While following the law laid down by a Division Bench in Des Raj and Sons Vs. Union of India, , the learned Single Judge declined to entertain any objection against the claim No. 3. We have also perused the aforesaid judgment and are satisfied that there

is no getting out of the position of law laid down by the said judgment and learned Single Judge was right in sustaining the said claim No. 3. The interest granted by the Arbitrator was 12% per annum as against a claim of 20.5% per annum. The Arbitrator had granted interest up to the date of decree. The learned Single Judge directed future interest from the date of decree till the date of realization @ 9% per annum. We see no justifiable ground to interfere with the same.

3. We are satisfied that the impugned judgment of the learned Single Judge does not warrant any interference by this Court and the appeal is accordingly dismissed.