

(2012) 04 P&H CK 0085
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 2095 of 2012

Uttar Haryana Bijli Vitran Nigam Ltd.	Vs	APPELLANT
M/s. Avon Meters (P) Ltd.		RESPONDENT

Date of Decision : 03-04-2012

Acts Referred:

Arbitration and Conciliation Act, 1996 — Section 34
Constitution of India, 1950 — Article 227

Citation : (2012) 04 P&H CK 0085

Hon'ble Judges : L. N. Mittal, J

Bench : Single Bench

Advocate : Parveen Gupta and Mr. Sudhir Hooda, for the Appellant;

Final Decision : Dismissed

Judgement

L.N. Mittal, J.—Uttar Haryana Bijli Vitran Nigam Ltd. has filed this revision petition under Article 227 of the Constitution of India assailing order dated 14.02.2012 Annexure P-1 passed by learned Additional District Judge, Panchkula. Dispute between the parties was referred to Arbitrator who gave award dated 15.10.2003. Petitioner herein filed objections against the said award u/s 34 of the Arbitration and Conciliation Act, 1996 (in short, the Act). The said objections were dismissed by the trial Court vide judgment dated 09.12.2008. Petitioner has challenged the said judgment by filing FAO No. 3727 of 2009 in this Court and the same is now pending for 02.05.2012.

2. Respondent filed execution petition for execution of Arbitrator's vide impugned order Annexure P-1 has ordered attachment of property of the petitioner herein. The said order is under challenge in this revision petition.

3. I have heard learned counsel for the petitioner and perused the case file.

4. Counsel for the petitioner contended that FAO No. 3727 of 2009 is pending in this Court for 02.05.2012 and till decision of the said FAO, execution of Arbitrator's award may be stayed. The contention cannot be accepted.

Objections of the petitioner filed u/s 34 of the Act against the award of Arbitrator were dismissed by the trial Court vide judgment dated 09.12.2008 i.e. more than three years ago. During this long period, the petitioner has not been able to obtain any interim stay against execution of the Arbitrator's award in pending FAO No. 3727 of 2009. Petitioner cannot be granted the same relief in this revision petition which the petitioner has failed to obtain in the aforesaid pending first appeal. Executing Court has rightly proceeded with the execution proceedings and ordered attachment of the property of the petitioner since there is no interim stay against execution of the Arbitrator's award. There is no infirmity, much less perversity, illegality or jurisdictional error in impugned order of the executing Court. The revision petition is completely meritless and frivolous and is, therefore, dismissed in limine.