

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION(C)NO.12299 OF 2004

UNION OF INDIA

... PETITIONER(S)

VERSUS

M/S.HARBANS SINGH TULI & SONS BUILD.(P)LTD.

... RESPONDENT(S)

O R D E R

Heard learned Additional Solicitor General of India and the respondent-in person.

This Court, by an order dated 24th August, 2007, appointed the Arbitrator and the Arbitrator filed the Award on 26.04.2008. The petitioner-Union of India was given an opportunity to file its objections to the Award and the objections were filed on 22.10.2008, after the period prescribed had expired.

One of the contentions raised by the Union of India is that this Court had specifically directed that the Award should be a reasoned one and yet the impugned Award lacks the particulars and the Award is not sustainable in law. The Arbitrator has stated that the relevant records were not produced by the Union of India before the Arbitrator and in support of the claim, the claimant had filed affidavits and the deponents were available for cross-examination but they were not cross-examined by the appellant. It being so, the Arbitrator was not in a position to give detailed reasons.

Therefore, the lack of detailed reasons cannot be claimed as an infirmity and the Award can only be accepted. It may also be noticed that all the claims have been only partly allowed; only ten percent of the total claim of the respondent had been upheld by the Arbitrator. Therefore, the objections are rejected and the Award passed by the Arbitrator is made decree of the Court and the respondent would be at liberty to take other appropriate steps for execution of the decree.

The awarded amount would be paid within a period of two months from the date of this order.

Applications are disposed of accordingly.



.....CJI
(K.G. BALAKRISHNAN)

.....J.
(J.M. PANCHAL)

JUDGMENT

.....J.
(Dr. B.S. CHAUHAN)

NEW DELHI;
20TH JANUARY, 2010