

(Equivalent Citation:- 2013(3) RAJ 106)

195 (2012) Delhi Law Times 492

Delhi High Court

G.S. Sistani, J.

KANTI KUMAR SHARMA—Petitioner

versus

ARUN KUMAR GOEL—Respondent

O.M.P. 750 of 2011—Decided on 24.4.2012

(i) Arbitration and Conciliation Act, 1996 — Section 34 — Arbitral Award — Challenge against — Partnership firm purchased machinery — Loan from bank — Mortgaged property of respondent — Respondent paid all instalments — Claimed the half from petitioner — Arbitrator divided the liability — Petitioner held liable to pay — Award upheld.

[\[Paras 6, 7\]](#)

(ii) Arbitration and Conciliation Act, 1996 — Section 34 — Arbitral Award — Power of Court to Interfere — Jurisdiction of Court to interfere with an award made by an arbitrator is extremely limited — Court cannot sit as a Court of appeal and that evidence is not to be re-appreciated.

[\[Paras 9, 10\]](#)

(iii) Arbitration and Conciliation Act, 1996 — Section 34 — Arbitral Award — Principles for interference — Discussed.

[\[Paras 7 to 11\]](#)

Result: Petition dismissed.

Cases referred:

1. *Markfed Vanaspati and Allied Industries v. Union of India*, [VIII \(2007\) SLT 143](#)=IV (2007) CLT 81 (SC). (Relied) [\[Para 7\]](#)

2. *Bijendra Nath Srivastava (Dead) through LRs. v. Mayank Srivastava And Others*, (1994) 6 SCC 117. (Relied) [\[Para 8\]](#)

3. *Municipal Corporation of Delhi v. Jagan Nath Ashok Kumar*, [33 \(1987\) DLT 280 \(SC\)](#). (Relied) [\[Para 9\]](#)

4. *Delhi development Authority v. R.S. Sharma and Company, New Delhi*, [152 \(2008\) DLT 678 \(SC\)](#)=[VII \(2008\) SLT 306](#). (Relied) [\[Para 10\]](#)

5. *P.R. Shah, Shares and Stock Brokers Private Limited v. B.H.H. Securities Private Limited And Others*, [VIII \(2011\) SLT 15](#)=IV (2011) CLT 150 (SC). (Relied) [\[Para 11\]](#)

Counsel for the Parties:

For the Petitioner : *None.*

For the Respondent : *Mr. R.M. Sinha, Advocate.*