

Assam Schedule VIII. Form No. 143  
High Court Form No. (J) 13

**ORDER-SHEET FOR CIVIL COURT**

DISTRICT : SONITPUR

**IN THE COURT OF THE DISTRICT JUDGE, SONITPUR, TEZPUR**

**Misc. (J) Case No. 18 of 2022**

**M/s G.D. Engineering Construction**

**Vs**

**Union of India @ Ors.**

Serial No. of Orders	Date	Order	Signature
	<b><u>22-11-2022</u></b>	<p>The petitioner in person and the counsel for respondents are present.</p> <p>This order appertain to petition No. 1616/2022 dated 28-03-2022 filed by Ghanashyam, petitioner in person under Order 47 r/w Section 151 CPC praying for review of judgment &amp; order dated 22-03-2022 passed in T.S.(Arb.) 01/2019.</p> <p>The basic contention of the review petitioner is that as per Section 14(i)(a) of Arbitration and Conciliation Act, 1996 if Arbitrator cannot complete his proceedings and publish the award on or before expiry of time, further time cannot be extended by court unless the same is extended by mutual consent of the parties. But, the respondents obtained the impugned judgment &amp; order in T.S.(Arb.) 01/2019 by misguiding the court by placing reliance on a judgment of the Hon'ble High Court dated 09-12-2021 which case was not relevant with the facts of the present case. But, in spite of that, the impugned judgment &amp; order has been passed by extending time to Arbitrator for passing his award which is liable to be reviewed otherwise, it will cause prejudice to the interest of the petitioner to a great extent. Under the circumstances, it is vociferously contended that the judgment and order dated 22-03-2022 be reviewed to advance the cause of justice.</p>	

On the other hand, learned counsel appearing for the Respondent No. 1 & 2 Sri S. Mishra and for sole Arbitrator respondent No. 3 learned counsel Sri Biren Bora by referring to the written objection submitted by the respondent No. 1 & 2 as well as the sole Arbitrator vociferously contended that there is absolutely no infirmity and irregularity passed by this court in T.S.(Arb.) 01/2019 dated 22-03-2022 requiring review of the same. It is contended that the said judgment was passed after considering all the pros and cons and after rejecting the contention of the petitioner, this court extended the period of sole Arbitrator for a period of one year from 22-03-2022 to 22-03-2023 by exercising power u/s 29(A)(4) Arbitration & Conciliation Act, 1996.

Having heard the rival contention and after perusal of the relevant provision of law, it is seen that there is no error apparent on the face of the record in the impugned judgment & order dated 22-03-2022 passed in T.S.(Arb.) 01/2019. The judgment was passed absolutely in accordance with law. The review petitioner failed to show discovery of any new and important matter or evidence which, after exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the judgment & order was made or on account of some mistake or error apparent on the face of the record or any other sufficient reason.

This court passed the judgment & order under challenge after considering all the pros and cons as well as law enumerated in Section 14 of Arbitration & Conciliation Act, 1996 and extended the time of Arbitrator by exercising power u/s 29(A)(4) Arbitration & Conciliation Act, 1996 if there is any grievance at all of the petitioner, he can very well raise his points before the Sole Arbitrator for decision for which there is still enough time before him

		<p>to raise his grievances before Arbitrator publish his award on or before 22-03-2023 as extended by this court.</p> <p>In view of the above discussion and reasons, this court do not find any merit in the revision petition. In the result, the same stands rejected.</p> <p>The Misc.(J) Case is disposed of accordingly.</p>	<p><b>(C.B.Gogoi)</b> District Judge Sonitpur, Tezpur.</p>
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