

SUPREME COURT OF INDIA

Babar Ali

Vs.

Union of India (Uoi)

(S Majmudar and D Mohapatra JJ.)

05.11.1999

ORDER

S.B. MAJMUDAR, J.

1. We find that there is no question of the Arbitration and Conciliation Act, 1996 being unconstitutional or in any way of fending the basic structure of the Constitution of India, as the High Court has rightly observed that judicial review is available for challenging the award in accordance with the procedure laid down therein. Only because the question of jurisdiction of the Arbitrator is required to be considered after the award is passed and not at any penultimate stage by the appropriate court, it cannot be a ground for submitting that such an Order is not subject to any judicial scrutiny. The time and manner of judicial scrutiny can legitimately be laid down by the Act passed by Parliament. The challenge to the vires of the Act was rightly rejected by the High Court. We fully endorse that view.

2. The special leave petition is dismissed.