

Hindustan Vidyut Products Limited

v.

Delhi Power Company Limited

(Supreme Court Of India)

Hindustan Vidyut Products Limited

v.

Delhi Power Company Limited

(Supreme Court Of India)

C. A. Nos. 5906-5907 of 2013 (Arising out of SLP (C) Nos. 13665-13666 of 2011) | 22-07-2013

ORDER

1. Leave granted.

2. Heard learned Counsel for the parties.

3. The Arbitrator made an Award dated 22nd December, 2005 of an amount of ` 20,26,000/- in favour of the Appellant and against the Respondent. The Respondent filed an application Under Section 34 of the Arbitration and Conciliation Act, 1996 for setting aside of the Award numbered as OMP No. 114 of 2006 and the learned Single Judge of the High Court of Delhi by his order dated 25th July, 2007 set aside the Award. Aggrieved, the Appellant filed FAO (S) Nos. 337-338 of 2007 before the Division Bench of the High Court and the Division Bench of the High Court instead of deciding the appeals of the Appellant against the order of the learned Single Judge set aside the Award holding that the appeals of the Appellant were not maintainable as it was for the Appellant to have ensured the presence of the parties likely to be affected in the proceedings in the appeals.

4. Learned Counsel for the Appellant submitted that it is only the Respondent who had filed the application for setting aside the Award Under Section 34 of the Act before the learned Single Judge and no other party had applied for setting aside the Award before the learned Single Judge. As the learned Single Judge has set aside the Award at the instance of only the Respondent before us, in the appeals filed before the Division Bench of the High Court, the Respondent was the only necessary party and it was not at all necessary for the Appellant to have impleaded other parties in the appeals even though they may be affected by the Award. We find a lot of force in the submission of the learned Counsel for the Appellant and, therefore, we allow these appeals and set aside the impugned order of the Division Bench of the High Court and remand the matters back to the Division Bench of the High Court to consider on merits the appeals of the Appellant against the order of the learned Single Judge setting aside the Award and dispose of the same as expeditiously as possible.

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and the Division Bench of the High Court instead of deciding the appeals of the Appellant against the order of the learned Single Judge set aside the Award holding that the appeals of the Appellant were not maintainable as it was for the Appellant to have ensured the presence of the parties likely to be affected in the proceedings in the appeals.

4. Learned Counsel for the Appellant submitted that it is only the Respondent who had filed the application for setting aside the Award Under Section 34 of the Act before the learned Single Judge and no other party had applied for setting aside the Award before the learned Single Judge. As the learned Single Judge has set aside the Award at the instance of only the Respondent before us, in the appeals filed before the Division Bench of the High Court, the Respondent was the only necessary party and it was not at all necessary for the Appellant to have impleaded other parties in the appeals even though they may be affected by the Award. We find a lot of force in the submission of the learned Counsel for the Appellant and, therefore, we allow these appeals and set aside the impugned order of the Division Bench of the High Court and remand the matters back to the Division Bench of the High Court to consider on merits the appeals of the Appellant against the order of the learned Single Judge setting aside the Award and dispose of the same as expeditiously as possible.