

M/S. KASHMIR ELECTRIC AND HARDWARE CORPORATION A

v.

STATE OF JAMMU AND KASHMIR

JULY 26, 1996

[MADAN MOHAN PUNCHHI AND K. VENKATASWAMI, JJ.] B

*Arbitration Act, 1944 :*

*Arbitrator—Misconduct—Arbitrator conducting sittings in the premises owned by the appellants and while doing so accepting tea and refreshment from them alongwith both the contesting parties—Held, in the facts and circumstances, arbitrator cannot be presumed to have corrupted himself in accepting the courtesies.* C

CIVIL APPELLATE JURISDICTION : Civil Appeal No 9768 of 1996. D

From the Judgment and Order dated 12.5.93 of the Jammu and Kashmir High Court in C.F.A. No 84 of 1987.

D.D. Thakur and Rajeev Sharma for the Appellant. E

Ashok Mathur for the Respondent.

The following Order of the Court was delivered :

Leave granted.

We have before us the judgment of the learned single Judge of the Jammu and Kashmir High Court holding that the Arbitrator had not misconducted himself or the proceedings. We also have before us the appellate judgment of the Letters Patent Bench under appeal saying to the contrary. The misconduct blown up is that the Arbitrator had conducted sitting/sittings in the premises owned by the appellants and had during that while accepted tea and refreshment from them and hence to have become guilty of misconduct. It is admitted that he was not alone in that regard as both the contesting parties before him had equally shared the use of the premises for the purpose as well as refreshments as part of courtesies. No objection of any sort, at any point of time, was taken by any one either with F G H

- A regard to the place of conduct of the proceedings or to those courtesies extended in the form of refreshment. We fail to appreciate as to how could the arbitrator be presumed to have corrupted himself in accepting those courtesies, in these facts and circumstances. Mr. Ashok Mathur, learned counsel appearing for the State of Jammu and Kashmir is candid enough to state that he is unable to support the decision of the Letters Patent Bench of the High Court in any manner. We, therefore, without going into further details, allow this appeal, set aside the impugned judgment and order of the Letters Patent Bench and restore that of the learned Single Judge without any order as to costs.
- B

R.P.

Appeal allowed.