

Feeling aggrieved and dissatisfied with the judgment passed in the Appeal, the Petitioner has preferred the present petition before the Hon'ble Supreme Court of India (**the Court**).

Findings of the court

The Court observed that the tribunal had appreciated the evidence, considered various clauses of the Contract, and given cogent reasons for holding that the termination of the Contract was illegal and contrary to the terms of the Contract.

Perusing its decision in *Progressive – MVR*² the Court noted that in proceedings under section 34 of the Act, when the view taken by the arbitrator is a plausible view, and/or when two views are possible, a particular view taken by the tribunal which is also reasonable should not be interfered with.

The Court also took note that in *Datar Switchgear Ltd.*³, it had held that the “*arbitral tribunal is the master of evidence and the findings of fact which are arrived at by the arbitrators on the basis of evidence are not to be scrutinized as if the Court was sitting in appeal now stands settled by a catena of judgements...*”

Finally, noting its decision in *Associate Builders*⁴ the Court noted that an award passed by the tribunal can be interfered with in the proceedings under section 34 and 37 of the Act only in a case where the finding is perverse and/or contrary to the evidence and/or the same is against public policy.

Having noted the foregoing decisions, the Court concluded that the finding of the tribunal to the effect that the termination of the Contract was illegal and without following the due procedure under the provisions of the Contract, being a finding based on appreciation of evidence was neither perverse nor contrary to the evidence on record and thus couldn't have been interfered with by the courts. Since cogent reasons were given by the tribunal while allowing the respective claims and that since the claims were only partly allowed and even disallowed, the Court held that there was proper application of mind by the tribunal. Hence, as such, the courts in the Challenge Proceedings and the Appeal had rightly not interfered with the Award. Consequently, the Court found no requirement in the present case to interfere with the Award.

In view of the reasons stated above, the Award was upheld and the present Petition was dismissed by the Court with no order as to costs.

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² *NHAI v. Progressive – MVR*, (2018) 14 SCC 688

³ *Maharashtra State Electricity Distribution Co. Ltd. v. Datar Switchgear Ltd*, (2018) 3 SCC 133

⁴ *Associate Builders v. DDA* (2015) 3 SCC 49