



An Overview of cases under Section 34 of Arbitration Act

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An Overview of cases under Section 34 of Arbitration and Conciliation Act, 1996

(Delhi High Court)

INTRODUCTION

This Note provides an overview of the matters under Section 34 of the Arbitration and Conciliation Act, 1996 ('**Act**') before the High Court of Delhi adjudicated upon between 1 January 2019 to 19 March 2020 ('**Note**'). In this Note, and more specifically the table hereinbelow, there are predominantly three categories of case outcomes which can be seen **(I) Dismissed on Merits** [*the award is upheld*], **(II) Dismissed on a Preliminary Ground** (for example, if the petition under the Section 34 of the Act is barred by limitation etc.) [*the award is upheld*], and **(III) Allowed** [*the award is set-aside*].

For the readers' interest, this Note also provides for specific ground(s) on which an award has been set-aside under Section 34 of the Act.

The following colour code is adopted for the readers' convenience:

- (I) **Dismissed on Merits:** Orange
- (II) **Dismissed on a Preliminary Ground:** Blue
- (III) **Allowed:** Green

Before advertizing to the table below, for the sake of clarity and better understanding, the relevant provision of the Act is reproduced below in point 2 of this Note.

Relevant Provision under the Act- Section 34 (as amended upto 2019)

Section 34. Application for setting aside arbitral awards.

- (1) Recourse to a Court against an arbitral award may be made only by an application for setting aside such award in accordance with sub-section (2) and sub-section (3).
- (2) An arbitral award may be set aside by the Court only if—
 - (a) the party making the application establishes on the basis of the record of the arbitral tribunal that—
 - (i) a party was under some incapacity, or
 - (ii) the arbitration agreement is not valid under the law to which the parties have subjected it or, failing any indication thereon, under the law for the time being in force; or
 - (iii) the party making the application was not given proper notice of the appointment of an arbitrator or of the arbitral proceedings or was otherwise unable to present his case; or
 - (iv) the arbitral award deals with a dispute not contemplated by or not falling within the terms of the submission to arbitration, or it contains decisions on matters beyond the scope of the submission to arbitration:
Provided that, if the decisions on matters submitted to arbitration can be separated from those not so submitted, only that part of the arbitral award which contains decisions on matters not submitted to arbitration may be set aside; or
 - (v) the composition of the arbitral tribunal or the arbitral procedure was not in accordance with the agreement of the parties, unless such agreement was in conflict with a provision of this Part from which the parties cannot derogate, or, failing such agreement, was not in accordance with this Part; or
 - (vi) the composition of the arbitral tribunal or the arbitral procedure was not in accordance with the agreement of the parties, unless such agreement was in conflict with a provision of this Part from which the parties cannot derogate, or, failing such agreement, was not in accordance with this Part; or

- (b) the Court finds that—
 - (i) the subject-matter of the dispute is not capable of settlement by arbitration under the law for the time being in force, or
 - (ii) the arbitral award is in conflict with the public policy of India.

Explanation 1.--For the avoidance of any doubt, it is clarified that an award is in conflict with the public policy of India, only if,--

- (i) the making of the award was induced or affected by fraud or corruption or was in violation of section 75 or section 81; or
- (ii) it is in contravention with the fundamental policy of Indian law; or
- (iii) it is in conflict with the most basic notions of morality or justice.

Explanation 2.- For the avoidance of doubt, the test as to whether there is a contravention with the fundamental policy of Indian law shall not entail a review on the merits of the dispute.

- (2A) An arbitral award arising out of arbitrations other than international commercial arbitrations, may also be set aside by the Court, if the Court finds that the award is vitiated by patent illegality appearing on the face of the award:

Provided that an award shall not be set aside merely on the ground of an erroneous application of the law or by reappreciation of evidence.

- (3) An application for setting aside may not be made after three months have elapsed from the date on which the party making that application had received the arbitral award or, if a request had been made under section 33, from the date on which that request had been disposed of by the arbitral tribunal:

Provided that if the Court is satisfied that the applicant was prevented by sufficient cause from making the application within the said period of three months it may entertain the application within a further period of thirty days, but not thereafter.

- (4) On receipt of an application under sub-section (1), the Court may, where it is appropriate and it is so requested by a party, adjourn the proceedings for a period of time determined by it in order to give the arbitral tribunal an opportunity to resume the arbitral proceedings or to take such other action as in the opinion of arbitral tribunal will eliminate the grounds for setting aside the arbitral award.
- (5) An application under this section shall be filed by a party only after issuing a prior notice to the other party and such application shall be accompanied by an affidavit by the applicant endorsing compliance with the said requirement.
- (6) An application under this section shall be disposed of expeditiously, and in any event, within a period of one year from the date on which the notice referred to in sub-section (5) is served upon the other party.

COMPENDIUM OF CASES

This Section is divided into two parts. Part (A) includes the cases disposed of in the year 2020 (1 January 2020 to 19 March 2020), and Part (B) includes the cases disposed of in the year 2019.

(A) THE CASES DISPOSED OF IN THE YEAR 2020¹

S. No.	Case Name	Citation	Case Number	Disposal Date	Allowed/ Dismissed	Grounds	Remarks
1.	National Board of Examinations v. Prometric Testing Pvt. Ltd.	2020 SCC OnLine Del 505	O.M.P. (COMM) 469/2018	19-03-2020	Dismissed on merits		
2.	Union of India v. Bharat Biotech International Ltd.	MANU/DE/0858/2020	O.M.P. (COMM) 399/2019 & 407/2019, & 408/2019	18-03-2020	Batch matters dismissed for delay of 50 and 55 days.		
3.	Guru Gobind Singh Indraprastha University v. Engineers India Ltd.	MANU/DE/0855/2020	O.M.P. (COMM) 413/2018	13-03-2020	Partly Allowed	Award was partly set aside on ground of patent illegality to the extent that (a) different yardsticks were applied to the petitioner and respondent's case while deciding similar claims for interest on damages thereby awarding interest to one and refusing it to the other and, (b) the claim for interest on damages was rejected merely on the reasoning that no interest can be awarded on damages in spite of law having been settled to the contrary.	
4.	Steel Authority of India Ltd. v. Primetals Technologies	MANU/DE/0808/2020	O.M.P. (COMM) 349/2020	12-03- 2020	Partly Allowed	Award was partly set aside as being contrary to public policy to the extent that an exorbitantly high interest rate of 14% per annum, as compared to prevailing	

¹ The relevant period is 1 January 2020 to 19 March 2020. The list is in descending order.

	India Pvt. Ltd.					<p>interest rates, was awarded without any reasoning being recorded for the same. Moreover, in the circumstances, the high interest rate appeared to virtually be penal nature. Accordingly, the interest rate was reduced to 10% per annum.</p> <p>The Award was further modified to the extent that, since, it was 'fair' in the opinion of the Court and the respondent had itself offered to do so, the parties were directed to bear the cost of arbitration equally, instead of the petitioner having to bear the entire cost as originally directed by the Award.</p>	
5.	Mohan Steels Limited v. Steel Authority of India	MANU/DE/0727/2020	O.M.P. 488/2015	04-03-2020	Allowed	<p>Award was set aside on ground of patent illegality as the Arbitrator interpreted the contract based on factors extraneous to contractual terms by relying on Regulator's notifications which had been brought on record only after conclusion of final arguments by the parties. This was done without affording petitioner an opportunity to rebut its applicability to the case even though the same was categorically denied in its statement of claims. The Award was also set aside to the extent that some terms of contract were interpreted in a manner contrary to trade usage and business sense.</p>	
6.	Bharat Sanchar Nigam Ltd. v. Aksh Optifibre Ltd.	MANU/DE/0738/2020	O.M.P. (COMM) 131/2017	04-03-2020	Dismissed on merits		

7.	Samsung India Electronics Pvt. Ltd. v. Vishal Video and Appliances Pvt. Ltd.	MANU/DE/0740/2020	O.M.P. (COMM) 218/2019	27-02-2020	Dismissed on merits		
8.	Union of India v. Annavaram Concrete Pvt. Ltd.	MANU/DE/0745/2020	O.M.P. (COMM) 112/2020	27-02-2020	Dismissed on merits		
9.	Meera Goyal v. Priti Saraf	MANU/DE/0607/2020	O.M.P. 2/2020	26-02-2020	Dismissed on merits		
10.	Sudha Gupta & Ors v. A. K. Gupta & Ors.	MANU/DE/0572/2020	O.M.P. (COMM) 283/2018	24-02-2020	Allowed	Award was set aside where the arbitrator decided the counter claim beyond the terms of the binding MOU, specially when initially at the stage of filing a petition under section 11 of the Act for appointment of an arbitrator, the respondents had resisted the petition on the ground that there existed no dispute between the itself and the petitioner.	
11.	Ames Impex Electricals Pvt. Ltd. v. New Delhi Municipal Council	MANU/DE/0554/2020	O.M.P. (COMM.) 5/2019 & 22/2019	18-02-2020	Partly Allowed	Award was partly set aside to the extent that (a) it had inherent contradictions in factual findings and reasoning on some claims, (b) it was non-reasoned and non-speaking on other claims, and, (c) it granted reliefs against the contractual terms binding the parties.	
12.	Parmeet Singh Chatwal and Ors. v. Ashwani Sahani	MANU/DE/0442/2020	O.M.P. 1445/2014	14-02-2020	Allowed	Award as well as arbitral proceedings were set aside having been vitiated on the grounds that (a) the vague dispute resolution clause included in very small font at a corner of an invoice could not be said to be an arbitration agreement; the signatures affixed on the bill only	

						acknowledged receipt of goods and could not be not be said to be consensus <i>ad idem</i> for arbitration between the parties (b) the Award was against fundamental policy of Indian Law in as much as it awarded a time barred claim to the delaying party and, (c) the petitioner had filed statement of defence but its non-appearance in some of the hearings was treated by the Ld. Tribunal as an admission on its part to the respondent's claim and the same was contrary to the provisions of Section 25(b) of Act.	
13.	Steel Stripes Wheels Ltd. v. Tata AIG General Insurance Co. Ltd.	MANU/DE/0672/2020	O.M.P. (COMM) 507/2019	13-02-2020	Dismissed for delay of 27 to 65 days in filing various documents to file a complete petition.		
14.	IRCON International Ltd. v. C.R. Sons Builders and Development Pvt. Ltd. and Ors.	MANU/DE/0424/2020	O.M.P. 353/2009	11-02-2020	Dismissed on merits		
15.	Sporty Solutionz Pvt. Ltd. v. Badminton Association of India and Ors.	MANU/DE/0375/2020	O.M.P. (COMM) 316/2017 & O.M.P. (I) (COMM.) 362/2017	07-02-2020	Dismissed on merits		

16.	Union of India v. GL Litmus Events Private Ltd.	MANU/DE/0340/2020	O.M.P. (COMM) 30/2020	29-01-2020	Dismissed on merits		
17.	Municipal Corporation of Delhi v. Paramjeet Singh Narula	MANU/DE/0586/2020	O.M.P. 138/2008	27-01-2020	Dismissed on merits		
18.	Sukhbir Singh v. Hindustan Petroleum Corporation Ltd.	266 (2020) DLT 612	O.M.P. 1118/2014	16-01-2020	Allowed	Award was set aside for being contrary to rights of a party under Section 24 of the Act where the Arbitral Tribunal denied request for cross-examination for the purpose of proving veracity documents on the basis of its own preconceived notion that the documents were signed by "responsible officers" against whom no motive for its fabrication had been attributed and thus cross examination was not required.	
19.	Akash Gupta v. Praveen Kumar Gupta & Ors.	2020 SCC OnLine Del 229	O.M.P. 15/2017	15-01-2020	Dismissed for delay of 120 days.		
20.	G+H Schallschutz Gmbh v. Bharat Heavy Electricals Ltd.	2020 SCC OnLine Del 19	O.M.P. (COMM) 158/2019	07-01-2020	Dismissed on merits		
21.	Gian Gupta v. MMTC Ltd.	2020 SCC OnLine Del 107	O.M.P. (COMM) 355/2016	06-01-2020	Allowed	Award was set aside as there was an unexplained delay of 6 years in pronouncement of the award and the same was pronounced without conducting the clarificatory hearing scheduled by the tribunal itself. It was	

						held that calling for such a clarificatory hearing itself suggested that the tribunal required to hear the parties on some issue, which it ultimately did not, and thus, the award did not meet the requirement of Section 18 of the Act.	
22.	Badri Singh Vinimay Private Limited v. MMTC Limited	2020 SCC OnLine Del 106	O.M.P. 225/2015	06-01-2020	Dismissed on merits		

(B) CASES DISPOSED OF IN THE CALENDAR YEAR 2019²

S. No.	Case Name	Citation	Case Number	Disposal Date	Allowed/ Dismissed	Grounds	Remarks
1.	Gail Gas Ltd. v. Palak Construction Pvt. Ltd.	2019 SCC OnLine Del 11636	O.M.P. (COMM) 73/2018	27-11-2019	Partly Allowed	Award partially set aside where one of many claims was allowed by the arbitrator in the absence of proof showing that the company had consented to the work being undertaken by the contractor, especially when the claim was raised as an afterthought only at the stage of statement of claims and was not in fact mentioned in the final bill raised by the contractor.	
2.	Motilal Oswal Securities Ltd. v. Rakshak Kapoor	2019 SCC OnLine Del 11438	O.M.P. (COMM) 169/2016	26-11-2019	Allowed	Award set aside as relevant evidence placed on record and terms of the agreement were not considered and further, the impugned arbitral award did not record any finding on whether the onus of proof was discharged by the parties and instead, presumptions were drawn by the tribunal on its own.	
3.	National Highways Authority of India vs. Ssangyong Engineering & Construction Co. Ltd	2019 SCC OnLine Del 11334	O.M.P. (COMM) 473/2019 & I.As. 15744-15747/2019	25-11-2019	Dismissed for delay of 24 days.		

² The relevant period is the whole of 2019. The list is in descending order.

4.	Metro Builders (Orissa) Pvt. Ltd. v. Indian Oil Corporation Ltd.	2019 SCC OnLine Del 11837	O.M.P. (COMM) 259/2019	20-11-2019	Dismissed on ground of delay.		
5.	Dipankar Singh v. Union of India	2019 SCC OnLine Del 11121	O.M.P.(I) 7/2019	15-11-2019	Dismissed due to lack of territorial jurisdiction		
6.	Raj Kumar Brothers v. Life Essentials Personal Care Private Ltd.	2019 SCC OnLine Del 10803	O.M.P. (COMM) 435/2019	31-10-2019	Dismissed due to lack of territorial jurisdiction		
7.	New Delhi Municipal Council v. V3S Infratech Ltd.	2019 SCC OnLine Del 10798	AO (OS) (COMM) 297/2019	22-10-2019	Dismissed on delay of over 400 days and on merits		
8.	ACME Manufacturing Company Ltd. v. Union of India	2019 SCC OnLine Del 10650	O.M.P. (COMM) 459/2016	15-10-2019	Dismissed on merits		
9.	Ministry of Road Transport and Highways v. L&T Transportation Infrastructure Ltd.	2019 SCC OnLine Del 10479	O.M.P. 289/2015	11-10-2019	Partly Allowed	Award was set aside to the extent that the parties were directed to carry out specific performance in terms of the award when instead, the parties were mutually agreeable for the direction to be set aside, allowing them to execute further work in terms of the contract, if and when required.	
10.	UBV Infrastructures Limited v. National	2019 SCC OnLine Del 10649	O.M.P. (COMM) 298/2017	11-10-2019	Dismissed on merits		

	Highways Authority of India						
11.	Oil and Natural Gas Corporation Ltd. v. Joint Venture	2019 SCC OnLine Del 10456	O.M.P. (COMM) 97/2019	01-10-2019	Dismissed for limitation – delay of 27 days		
12.	Union of India v. G.L. Litmus Events Pvt. Ltd.	2019 SCC OnLine Del 10393	O.M.P. (COMM) 390/2018	30-09-2019	Dismissed on merits		
13.	Gateway Impex Pvt. Ltd. v. Tata AIG Life Insurance Co. Ltd.	2019 SCC OnLine Del 10291	O.M.P. (COMM) 192/2016	23-09-2019	Dismissed on merits		
14.	Oil Industry Development Board v. Godrej & Boyce Mfg. Co. Ltd.	2019 SCC OnLine Del 10247	O.M.P. 601/2012	16-09-2019	Partly Allowed	Award set aside to the extent that the counter claims were rejected merely for the reason that such claims were not raised before the claimant prior to invocation of arbitration.	It was held that keeping the object of avoiding multiplicity of proceedings and divergent findings in view, the respondent in an arbitration proceeding has a choice of raising the dispute (counter-claim) by issuing a notice to the

							claimant and then resort to independent arbitration proceedings or raise a dispute by way of counter claim in pending proceedings.
15.	Ministry of Health and Family Welfare v. Hosmac Projects Division of Hosmac India Pvt. Ltd.	2019 SCC OnLine Del 10019	O.M.P. (COMM) 244/2019	12-09-2019	Dismissed for delay of 33 days		
16.	Haji Banda Hasan v. Gupta & Gupta Pvt. Ltd.	2019 SCC OnLine Del 10018 (2019) 263 DLT 137	O.M.P. (COMM) 237/2019	12-09-2019	Dismissed due to delay of 284 days		
17.	India Tourism Development Corporation v. CP & Associate Pvt. Ltd.	2019 SCC OnLine Del 9923	O.M.P. (COMM) 252/2019	03-09-2019	Dismissed on merits and with cost of INR 25,000.		
18.	Improve Vyapaar Pvt. Ltd. v. VVA Developers (P) Ltd.	2019 SCC OnLine Del 9793		20-08-2019	Dismissed on merits.		

19.	S.P. Puri v. Agricultural Produce Market Committee	2019 SCC OnLine Del 9861	O.M.P. 466/2015	14-08-2019	Dismissed on merits		
20.	International Design and Engineering Solutions Pvt. Ltd. v. MGI (India) Pvt. Ltd.	2019 SCC OnLine Del 9792	O.M.P. (COMM) 307/2019	13-08-2019	Allowed	Award was set aside as it was passed contrary to the law propounded in binding judicial precedents and was thus unsustainable.	
21.	NTPC v. WPIL	2019 SCC OnLine Del 9661	OMP(COMM) 98/2017	08-08-2019	Dismissed on merits.	"This being a matter of appreciation of evidence by the Arbitral Tribunal, this Court cannot interfere with the same unless the same is found to be completely perverse or unreasonable, which test in my opinion has not been satisfied by the petitioner in the facts of the present case."	
22.	Surendra Pal v. True Zone Buildwell Pvt. Ltd.	2019 SCC OnLine Del 9690	O.M.P. 11/2018	07-08-2019	Allowed	While noting that the Court has limited power under Section 34, the award was set aside as submissions of one party were rejected and the award was passed on a completely incorrect basis that had not even been pleaded by the other party.	The case may not be taken to be one as setting or following a trend as the decision was in light of the peculiar facts of the case.
23.	Indian Oil Corporation Ltd. v. Neptuno Maritime Corp.	2019 SCC OnLine Del 9596	O.M.P. (COMM) 220/2018	06-08-2019	Dismissed on merits		
24.	Delhi Metro Rail Corporation Ltd.	2019 SCC OnLine Del	O.M.P. 71/2012	02-08-2019	Partly Allowed –	Award was upheld by the Court. However, the interest payable on the	No reasoning was given

	v. MIC Electronics Ltd.	9628			Award upheld but interest rate modified.	award amount from the date of award till the date of payment was modified from being @12% compound interest per annum to 12% simple interest per annum. It was further directed that in case the award is not paid within the directed period, an additional amount of 8% per annum would be payable on the award amount for the period of delay.	with respect to the interest rates on payment of awarded amount.
25.	Surana Telecom and Power Ltd. v. Mahanagar Telephone Nigam Ltd.	2019 SCC OnLine Del 9822	O.M.P. 493/2013	31-07-2019	Partly Allowed	Award was set aside on the grounds of being against public policy of India to the extent that, contrary to the provisions of Section 62 of the Indian Contract Act, 1872 allowing the parties to alter or novate agreements freely as they desire, the arbitrator passed the award while holding that the alteration to a term of the agreement was not permissible and rather, was unauthorised and illegal.	
26.	Mecamidi S.A. v. Flovel MG Holdings Private Limited	2019 SCC OnLine Del 9414	O.M.P. (COMM) 228/2017	30-07-2019	Partly Allowed	Award was set aside on the ground of being contrary to public policy to the extent that significant monetary amount was granted as damages to the respondents based on conjecture and surmises without there any basis for quantification of the same.	
27.	National Buildings Constructions Corporation Ltd. v. J.R. Constructions	2019 SCC OnLine Del 9474	O.M.P. (COMM.) 157/2017	30-07-2019	Dismissed on merits		

28.	THDC India Ltd. v. Jaiprakash Associates Ltd.	2019 SCC OnLine Del 9612	OMP (COMM) 341/2016	29-07-2019	Dismissed on merits.		This dismissal was also upheld by the Supreme Court.
29.	AEZ Infratech Pvt. Ltd. v. Snowtemp Engineering Company Ltd.	2019 SCC OnLine Del 9415	O.M.P. (COMM) 249/2019	26-07-2019	Dismissed on merits.	Dismissed as Section 34 petition is not one which facts can be reappreciated by the Court.	
30.	Ministry of Youth Affairs & Sports v. Swiss Timing Ltd.	2019 SCC OnLine Del 9390	O.M.P. (COMM) 371/2017	25-07-2019	Dismissed on merit		
31.	Satyadhara Communications Pvt. Ltd. v. Indiasign Pvt. Ltd.,	019 SCC OnLine Del 9413	O.M.P. (COMM) 208/2018	24-07-2019	Dismissed on merits		
32.	Chennai - Ennore Port Road Company Ltd. v. Coastal - SPL (JV)	2019 SCC OnLine Del 9267	O.M.P. (COMM) 200/2019	23-07-2019	Dismissed on merits		
33.	Shwetadri Speciality Papers Pvt. Ltd. v. National Research Development Corp.	2019 SCC OnLine Del 9345	O.M.P. (COMM) 88/2017	22-07-2019	Dismissed on merits.	"The Court does not find any fundamental error in the arbitration award. The award is well reasoned and considers all the documentary and oral evidence adduced by the parties. The scope of interference under Section 34 of the Arbitration and Conciliation Act, 1996 being limited, this Court is of the opinion that no interference is called for."	
34.	Union of India v. MKU Pvt. Ltd.	2019 SCC OnLine Del 9527	O.M.P. (COMM) 114/2019	19-07-2019	Dismissed on merits.		

35	Municipal Corporation of Delhi v. Surrender Kishan Gupta	2019 SCC OnLine Del 9196	O.M.P. 462/2009	18-07-2019	Partly Allowed	Partial relief was granted to Petitioner by reducing interest amount and cost of arbitration awarded to the Respondent <i>vide</i> the Arbitral Award. The same was challenged since the delay in payment (out of which cause of action arose) was on account of stoppage of funds to the MCD from the Japanese Government who was funding the project.	Relief granted was granted in circumstances peculiar to the specific facts of the case and may not be construed to be the general approach of the Court.
36.	National Highways Authority of India v. PCL Suncon (JV),	2019 SCC OnLine Del 9417	O.M.P. 1232/2012	17-07-2019	Dismissed on merits		
37.	Ircon International Limited v. PCL-Brahmaputra Consortium Ltd.	2019 SCC OnLine Del 9232	O.M.P. (COMM) 82/2017	17-07-2019	Dismissed on merits.		
38.	Innovative B2B Logistics Solution Private Limited v. Central Warehousing Corporation	2019 SCC OnLine Del 9301	O.M.P. 257/2015	16-07-2019	Partly Allowed	Award was partly set aside to the extent that on an allegation of the agreement being contrary to the customs regulations, the arbitrator passed a vague direction to the respondent to appropriately amend the agreement without determining whether the agreement is in fact contrary to the applicable regulations, without specifying what amendments were required and without appreciation of the fact that	

						directions should have been passed for both the respondent as well as petitioner, since unilateral amendment of the agreement was not possible.	
39.	Reliance Industries Limited v. Gail (India) Limited	2019 SCC OnLine Del 9302	O.M.P. 597/2012	16-07-2019	Dismissed on merits		
40.	Shiel Trade Venture Private Limited v. Samsung India Electronics Private Limited	2019 SCC OnLine Del 9142 2019(4)ArbLR 341(Delhi)	OMP(COMM) No. 248/2017	16-07-2019	Partly Allowed	Award was set aside to on the ground of patent illegality where the arbitrator ignored the relevant and vital material placed before him.	
41.	S. Daya Singh & Sons v. Som Datt Builders Pvt. Ltd.	2019 SCC OnLine Del 9195 2019(5)ArbLR 329(Delhi)	O.M.P. 327/2010	16-07-2019	Allowed	Award was partly set aside on the grounds of being untenable to the extent that the arbitrator held termination of the agreement to be illegal while ignoring the fact that the same was terminated due to it having been frustrated. Accordingly, the part of award wherein it granted damages on the basis of the termination having been illegal was also set aside as being 'unjust, inequitable and completely unsustainable'.	
42.	Vishnu Aggarwal v. Hindustan Petroleum Corporation Ltd.	2019 SCC OnLine Del 9300	O.M.P. 1616/2014	11-07-2019	Allowed	Award was set aside on the grounds of findings being vague and ambiguous, improperly reasoned and amounts being unspecified and directed to be reworked by the parties, which in effect left the award to be uncertain, the process inefficient defeated in purpose.	

43.	Indian Institute of Management v. N.S. Associates Pvt. Ltd.	2019 SCC OnLine Del 9298	O.M.P. (COMM) 261/2019	11-07-2019	Dismissed on merits.		
44.	Delhi Development Authority v. S. Ghosh & Associates	2019 SCC OnLine Del 9078	O.M.P. (COMM) 98/2019	09-07-2019	Dismissed on merits		
45.	Deputy Commissioner of Police v. Score Information Technologies Ltd.	2019 SCC OnLine Del 9299	O.M.P. 1161/2012	08-07-2019	Dismissed on merits.		
46.	Goyal MG Gases Private Limited v. Panama Infrastructure Developers Private Limited	2019 SCC OnLine Del 9067	O.M.P. (COMM) 235/2019	05-07-2019	Dismissed.	In this case the interim decision on a joinder of parties was rendered by the Tribunal, which was challenged as an award under Section 34 of the Act before the Court. The Court dismissed the petition on the ground that challenge to an interim decision is not available under Section 34 as it is like a dismissal under Section 16 of the Act.	
47.	Nabinagar Power Generating Company Limited v. AMR India Limited	2019 SCC OnLine Del 9096	O.M.P. (COMM) 248/2019	05-07-2019	Dismissed on merits.		
48.	Gail (India) Limited v. VRC Construction (India) Pvt. Ltd.	2019 SCC OnLine Del 9095	O.M.P. (COMM) 243/2019	04-07-2019	Dismissed on merits.		
49.	Air Liquide North India Pvt. Ltd. v.	2019 SCC OnLine Del	O.M.P. (COMM) 322/2017	03-07-2019	Partly Allowed	Award was partly set aside to the extent that the tribunal awarded	

	Indian Oil Corporation Ltd.	9047				interest <i>pendente lite</i> on interest amount, which was contrary to the agreement between the parties that interest would be payable only on the principal amount claimed.	
50.	Northern Railway v. Bumi Geo Engineering Ltd.	2019 SCC OnLine Del 9046	O.M.P. (COMM) 240/2019	02-07-2019	Dismissed on merit.		
51.	NTPC Limited v. Voith Hydro Joint Venture	2019 SCC OnLine Del 9014	OMP (COMM) 16/2017	02-07-2019	Dismissed on merits		
52.	Union of India v. Om Construction Co.	2019 SCC OnLine Del 9037	O.M.P. 728/2009	02-07-2019	Allowed	Award was set aside as relevant material on record was not considered by the arbitrator and further, monetary amount for damages were awarded without any discussion on computation, foundational events and documents.	
53.	Patna Water Supply Distribution Network Pvt. Ltd. v. Bihar Urban Infrastructure Development Corporation Ltd.	2019 SCC OnLine Del 8977	O.M.P. (COMM) 229/2019	01-07-2019	Allowed	Award was set aside on the ground that the condition imposed by the arbitrator on the petitioner to withdraw the writ petition filed by it with respect to additional claims, thereby forbidding their adjudication by linking it to factors extraneous to the outcome of the arbitration proceedings was wholly improper, illegal liable to be set aside. This approach of the arbitrator was held to be arbitrary and patently illegal and one that went to the root of the matter.	
54.	NCC Ltd. v. SOM Datt Builders Pvt. Ltd.	2019 SCC OnLine Del 8840	O.M.P. (COMM) 232/2019	29-05-2019	Dismissed on merits.		

55.	Indian Progressive Construction Pvt. Ltd. v. Simplex Infrastructures Ltd.	2019 SCC OnLine Del 8842	O.M.P. (COMM.) 207/2019	29-05-2019	Dismissed on merits		
56.	Bamcef CGHS Ltd. v. Hanuman Promoters	2019 SCC OnLine Del 8743	O.M.P. 212/2011	29-05-2019	Partly Allowed	Award was modified to the extent that the interest amount awarded on a claim amount was set aside as the issue whether the said claim amount, arising out of another document, was liable to be paid as a part of the contract or not, was decided only during the arbitration and not before that.	
57.	National Highways Authority of India v. PNC-BEL	2019 SCC OnLine Del 8841	O.M.P. (COMM) 41/2019	24-05-2019	Dismissed on merits.		
58.	Engineering Projects(India) Ltd. v. Married Accommodation Project	2019 SCC OnLine Del 8798	O.M.P. 1074/2012	23-05-2019	Dismissed on merits.		
59.	Govt. (NCT of Delhi) v. Jaideep Singh	2019 SCC OnLine Del 8795	O.M.P. (COMM.) 461/2017	22-05-2019	Dismissed on merits.		
60.	Alpna Noelities MFG. Co. v. Jinraj Paper Udyog (Pvt) Ltd.	2019 SCC OnLine Del 8794	O.M.P. (COMM) 177/2017	17-05-2019	Dismissed on merits.	The question of limitation was before the arbitrator, who then held that the claim was within limitation, as the documents relied upon by the Claimant to extend period of limitation were unrefuted by the Respondent (the Petitioner herein).	
61.	Rites Ltd. v. Subrata Kumar	2019 SCC OnLine Del	O.M.P. (COMM) 179/2019	17-05-2019	Dismissed on merits.		

	Ghose	8607					
62.	Rites Ltd. v. Subrata Kumar Ghose	2019 SCC OnLine Del 8606	O.M.P. (COMM) 177/2019	17-05-2019	Dismissed on merits.		
63.	Rites Ltd. v. Subrata Kumar Ghose	2019 SCC OnLine Del 8605	O.M.P. (COMM) 177/2019	17-05-2019	Dismissed		
64.	Usha Chatrath v. J.B. Kohli	2019 SCC OnLine Del 8797	O.M.P. 1/2019	15-05-2019	Allowed	Impugned award was set aside as after rendering the final award the arbitrator subsequently passed the impugned award modifying the final award, which was held to having been passed without jurisdiction since he had become functus officio and his mandate had terminated with the passing of the final award as per Section 32(1) of the Act.	
65.	Anand Vinayak Coalfields Limited v. Indian Farmers Fertilizer Cooperative Limited,	2019 SCC OnLine Del 8539	OMP (COMM) 46/2019	15-05-2019	Dismissed on merits.		
66.	Dwarika Projects Ltd. v. Superintending Engineer	2019 SCC OnLine Del 8445	O.M.P. (COMM) 420/2017	10-05-2019	Dismissed due to lack of jurisdiction	Held that mere rendering of arbitral award in a place different from the agreed seat of arbitration will not give jurisdiction to the Court to entertain an application under Section 34 of the Act.	
67.	Renu Jain v. Kamla Vati Jain	2019 SCC OnLine Del 8446	OMP No. 16/2017	10-05-2019	Dismissed on merits		
68.	Director-Cum-	2019 SCC	O.M.P. (COMM)	08-05-2019	Dismissed		

	Secretary v. Sarvesh Security Services Pvt. Ltd.	OnLine Del 8503	187/2019 & I.A. 6763/2019		on merits.		
69.	Jamia Millia Islamia v. Airwaves Engineers Pvt. Ltd.	2019 SCC OnLine Del 8369	O.M.P. 404/2015	02-05-2019	Allowed	Award was set aside as the arbitrator failed to consider some of the relevant material placed on record, erroneously placed burden of proof on the petitioner when the respondent had not been able to rebut the <i>prima facie</i> already placed on record by it and had failed to adjudicate upon some of the issues and awarded damages while ignoring the lack of evidence.	
70.	Medirad Tech India Limited v. Technology Development Board	2019 SCC OnLine Del 8424	O.M.P. (COMM) 17/2015	02-05-2019	Dismissed on merits.	Cost of INR 50,000 was imposed on the Petitioner.	
71.	Govt. (NCT of Delhi) v. Ayub Ali	2019 SCC OnLine Del 8332	O.M.P. 287/2010	01-05-2019	Dismissed on merits.		
72.	National Insurance Co. Ltd. v. Synergy Steels Ltd.	2019 SCC OnLine Del 8426	O.M.P. 879/2012	01-05-2019	Dismissed on merits.		
73.	Fiberfill Engineers v. Indian Oil Corporation Limited	2019 SCC OnLine Del 8255 2019(3)ArbLR 299(Delhi)	O.M.P. (COMM) 303/2017	29-04-2019	Partly Allowed	Award was partly set aside on the ground of patent illegality to the extent that the arbitrator awarded liquidated damages while ignoring the relevant material on record and without recording any finding as to whether any loss or damage was suffered by the respondent or not.	

74.	Union of India v. Shyam Telecom Limited	2019 SCC OnLine Del 8212	O.M.P. (COMM) 452/2018	23-04-2019	Dismissed on merits		
75.	Braithwaite Burn and Jessop Construction Company Limited v. Rail Vikas Nigam Ltd.	2019 SCC OnLine Del 8059	O.M.P. (COMM) 127/2019	15-04-2019	Dismissed on merits.		
76.	K.S. Narula v. MCD	2019 SCC OnLine Del 8060	O.M.P. 516/2013	15-04-2019	Partly Allowed	Award was partly set aside to the extent that some of the claims had been decided in favour of the responded on the basis of certain findings which were later held by the Court in a separate suit to be in favour of the petitioner and accordingly, the finding forming the basis of the award having changes, the claim was directed to be re-examined.	
77.	Sunborne Energy Rajasthan Solar Pvt. Ltd. v. NTPC Vidyut Vyapar Nigam Ltd.	2019 SCC OnLine Del 8079	O.M.P. (COMM) 222/2016	15-04-2019	Dismissed on merits		
78.	Employees' State Insurance Corporation v. Ravi Associates	2019 SCC OnLine Del 8084	OMP (COMM) No. 59/2016	12-04-2019	Dismissed on merits		
79.	Delhi State Civil Supply Corporation Ltd. v. Tyagi Transport Co.	2019 SCC OnLine Del 8027	O.M.P. (COMM) 103/2017	11-04-2019	Partly Allowed	Award was set aside to the extent that liquidated damages were awarded contrary to the terms of the agreement and without any proof of loss having occurred.	

80.	National Highways Authority of India v. Reengus Sikar Expressway Ltd.	2019 SCC OnLine Del 8235	O.M.P. (COMM) 463/2018	11-04-2019	Partly Allowed	Award was set aside to the extent that the interpretation adopted by the arbitrator was completely perverse and against a plain reading of the contractual terms and damages were awarded twice i.e. (a) as liquidated damages as per the contract and (b) as further damages on account of actual loss suffered.	
81.	Union of India v. Unicon Technology International Pvt. Ltd.	2019 SCC OnLine Del 8186	O.M.P. 55/2010	09-04-2019	Allowed	Award was set aside as the same was passed by the arbitrator without considering the relevant material on record.	
82.	Executive Engineer v. Bhasin Associates	2019 SCC OnLine Del 8121		08-04-2019	Partly Allowed	Award was partly set aside to the extent that : a) pre-award interest amounts awarded on amounts which were determined/quantified only at the stage of the arbitral award were set aside as being unjustified. b) claim for loss was allowed by application of Hudson's Formula in the absence of any other evidence justifying its application.	
83.	National Disaster Management Authority v. Shekhar Pal Sharma	2019 SCC OnLine Del 8078	O.M.P. (COMM) 142/2019	08-04-2019	Dismissed on merits.		
84.	Bhandari Foils and Tubes v. Mawana Sugars Limited	2019 SCC OnLine Del 8008	O.M.P. 321/2015	05-04-2019	Dismissed on merits.		
85.	Indian Oil Corporation	2019 SCC OnLine Del	O.M.P. (COMM) 144/2019	05-04-2019	Dismissed due to lack		

	Limited v. FEPL Engineering (P) Limited	8007			of territorial jurisdiction		
86.	Bharat Sanchar Nigam Ltd. v. Maharashtra Knowledge Corporation Ltd.	2019 SCC OnLine Del 8297	O.M.P. (COMM) 83/2018	04-04-2019	Partly Allowed	Award was partly set aside to the extent that the arbitrator had not considered vital evidence while recording his finding on the issue of breach of terms of the contract.	
87.	SKS Power Generation (Chhattisgarh) Ltd. v. ISC Projects Private Limited	2019 SCC OnLine Del 8006	O.M.P. (COMM) 132/2019	03-04-2019	Dismissed on limitation-delay of 33 days		
88.	Mahanagar Telephone Nigam Ltd. v. Unity Builders	2019 SCC OnLine Del 7983	O.M.P. 974/2012	02-04-2019	Partly Allowed	Award was partly set aside to the extent that it was <i>ex-facie</i> contrary to the plain reading of the contractual term and thus unsustainable.	
89.	Dhampur Sugar Mills Ltd. v. Bharat Petroleum Corporation Ltd.	2019 SCC OnLine Del 7982	O.M.P. 281/2015	01-04-2019	Dismissed on merits		
90.	S.S. Con-Build Pvt. Ltd. v. Total Property Maintenance LLP	261(2019)DL T99	O.M.P. (COMM) 300/2018	01-04-2019	Allowed	Award, having been challenged on very limited ground, was set aside to the extent that the arbitrator had awarded damages without stating any reasons and in the absence of any supporting evidence, which is contrary to settled law.	
91.	Sterlite Technologies Limited v. Bharat Sanchar Nigam Limited	2019 SCC OnLine Del 8122	O.M.P.(COMM)3 27/2017	29-03-2019	Dismissed on merits.	"The above findings being purely on appreciation of evidence led by the parties before the Arbitrator, it would not be open for this Court to re-appreciate the same in exercise of	

						its limited jurisdiction under Section 34 of the Act. It is to be remembered that this Court is not sitting as an appellate Court to re-appreciate such findings of fact given by the Arbitrator."	
92.	M.V.R. Industry Limited v. Tribal Cooperative Marketing	2019 SCC OnLine Del 7910	O.M.P. 379/2009	29-03-2019	Partly Allowed	Petition partly allowed to the extent that future interest rate on award amount was reduced to 8% contingent upon early payment of award amount since the Petitioner pleaded to be in financial distress. However, in case early payment is not made, the rate of interest of 15% as awarded by the Arbitrator was to be applicable.	Upheld by Delhi HC in appeal in FAO (OS) 159/2019 vide order dated 21.08.2019 [2019 (4) ArbLR 266 (Delhi)]
93.	Surinder Mohan Talwar v. Cholamandalam Investment & Finance Co. Ltd.	2019 SCC OnLine Del 7792	O.M.P. (COMM) 467/2016	28-03-2019	Allowed	Award was modified to the extent that instead of the significantly higher amount awarded by the arbitrator for default of payment, the admitted and undisputed lower amount which was seen to be outstanding from the evidence on record was held to be payable to the respondent, along with interest, in light of the financial strain being faced by the petitioner.	
94.	Chander Mohan Lall v. DLF Home Developers Ltd.	2019 SCC OnLine Del 7884	O.M.P. (COMM) 271/2018	28-03-2019	Partly Allowed	Award was partly set aside to the extent that the finding that the allottee petitioner also contributed to the delay in handing over possession given by the arbitrator was contrary to the evidence placed on record and	

						also the fact recorded by the arbitrator himself that the protests raised by the petitioner were in light of and against the unjustified demand of the respondent builder.	
95.	Bhagheeratha Engineering Ltd. v. National Highways Authority of India	2019 SCC OnLine Del 7885	O.M.P. (COMM) 85/2019	26-03-2019	Partly Allowed	Award was modified to correct the clerical error therein. However, this would not be termed as setting-aside of the arbitral award.	
96.	Vice President, Delhi Agricultural Mktg. Board v. H.R. Builders	2019 SCC OnLine Del 7842	O.M.P. 307/2015	25-03-2019	Dismissed on merits.		
97.	National Highways Authority of India v. UEM-Essar	2019 SCC OnLine Del 7769	O.M.P. (COMM) 148/2017	15-03-2019	Partly Allowed	Award was partly set aside to the extent that a claim was awarded by the arbitrator without considering relevant material on record.	
98.	CIMMCO Ltd. v. Union of India	2019 SCC OnLine Del 7655	O.M.P. (COMM) 297/2016	15-03-2019	Dismissed on merits.		
99.	Delton Cables Ltd. v. Department of Telecommunications	2019 SCC OnLine Del 7770	O.M.P. (COMM) 194/2016	14-03-2019	Dismissed on merits		
100.	Mahanagar Telephone Nigam Ltd. v. Haryana Telecom Ltd.	2019 SCC OnLine Del 7772	O.M.P. 1113/2012	14-03-2019	Allowed	Award was set aside as the same was not decided by arbitrator as per the terms of the contract between the parties.	
101.	CMI Limited v. Mahanagar Telephone Nigam Ltd.	2019 SCC OnLine Del 7768	O.M.P. (COMM) 134/2016	14-03-2019	Allowed	Award was set aside as the same was passed on an incorrect basis that the contentious document did not form a concluded contract between	

						the parties.	
102.	Rajesh Kondira Bhonsle v. Kotak Mahindra Bank Limited	2019 SCC OnLine Del 7561	O.M.P. 729/2012	08-03-2019	Dismissed but award was modified on terms of interest amount.	Rate of interest on awarded amount was modified to be increased.	<u>Comment:</u> While reasoning for modifying terms relating to interest amount has not been given, the same is presumably in account of the period of over seven years having elapsed from the date of arbitral award to the date of the Court's decision.
103.	AKM Enterprises Pvt. Ltd. v. Ahluwalia Contract (India) Ltd.	2019 SCC OnLine Del 7614	O.M.P. (COMM) 2/2016	07-03-2019	Allowed	Award was set aside in as much that the arbitrator refused to adjudicate upon counter claim of the petitioner on merits on the ground that no notice had been issued prior to the subject arbitration and thus the tribunal did not have jurisdiction to entertain the same, which is contrary	

						to the settled position of law that purpose of counter claim is to minimise multiplicity of proceedings and that in such cases the tribunal would have jurisdiction to adjudicate upon them even in the absence of a prior notice.	
104.	BSES Rajdhani Power Ltd. v. Kanohar Electricals Ltd.	2019 SCC OnLine Del 7489	O.M.P. (COMM) 182/2016	07-03-2019	Dismissed but award modified on terms on interest amount.	Court directed additional interest to be paid on the awarded amount due to the pendency of application since 2010 on account of adjournment and litigation between the parties.	
105.	Union of India v. Enarch Consultants Pvt. Limited	2019 SCC OnLine Del 7733	O.M.P. (COMM) 34/2019	06-03-2019	Dismissed on limitation.		
106.	National Buildings Construction Corporation v. Raj Kishan & Co., 2019	SCC OnLine Del 7490	O.M.P. (COMM) 264/2016	06-03-2019	Dismissed on merits		
107.	AAIC Building Solutions Ltd. v. Archaeological Survey of India	2019 SCC OnLine Del 7616	O.M.P. (COMM) 511/2016	06-03-2019	Partly Allowed	Award was partly set aside to the extent that a claim for monetary amount was allowed without any proof or evidence in support.	
108.	Steel Authority of India Ltd. v. Noble Chartering Inc.	2019 SCC OnLine Del 7412	O.M.P. (COMM) 225/2018	28-02-2019	Partly Allowed	Award was partly set aside to the extent that: (a) the arbitrator had passed the award by adopting an interpretation of the contract which was absolutely against the express language contained therein, contrary to settled law	

						(b) the arbitrator had awarded dual rate of interest when the award was in foreign currency which is contrary to settled law	
109.	Steel Authority of India Ltd. v. Seaspray Shipping Co. Ltd.	2019 SCC OnLine Del 7415 2019(2)ArbLR 301(Delhi)	O.M.P. 76/2015	28-02-2019	Partly Allowed	Award was partly set aside to the extent that: (a) the arbitrator had passed the award by adopting an interpretation of the contract which was absolutely against the express language contained therein, contrary to settled law (b) the arbitrator had awarded dual rate of interest when the award was in foreign currency which is contrary to settled law	
110.	Haryana State Industrial Development Corporation Ltd. v. Shushil Kumar Rout	2019 SCC OnLine Del 7707	O.M.P. 235/2009	26-02-2019	Allowed	Award was set aside as the finding that the termination of the agreement was illegal was contrary to the material on record.	
111.	Ircon International Limited v. Jaiprakash Associates Ltd.	2019 SCC OnLine Del 7340	O.M.P. 403/2010	26-02-2019	Partly Allowed	Award was set aside to the extent that while allowing claim for reimbursement of expenses, the arbitrator went beyond the terms of the foreclosure document which was agreed to be the final document by the parties.	
112.	National Highways Authority of India v. Pondicherry	2019 SCC OnLine Del 7521	O.M.P. (COMM) No. 79/2019	20-02-2019	Dismissed on merits.		

	Tindivanam Tollway Ltd.						
113.	Dhampur Sugar Mills Ltd. v. Bharat Petroleum Corporation Ltd.	2019 SCC OnLine Del 7414	O.M.P. 243/2015	20-02-2019	Allowed	Award was set aside as the arbitrator did not adjudicate upon, what was in the opinion of the Court, the primary dispute between the parties and misconstrued contents of certain correspondences to be an admission by of breach by the petitioner.	
114.	Sai Constructions v. Tehri Hydro Development Corporation Ltd.	2019 SCC OnLine Del 7287	O.M.P. 103/2009	19-02-2019	Dismissed on merits.		
115.	Delhi State Industrial and Infrastructure Development and Corporation Ltd. v. PNC Delhi Industrial Infra. Pvt. Ltd.	2019 SCC OnLine Del 7413	O.M.P. (COMM) 60/2019	19-02-2019	Partly Allowed	Award was partly set aside to the limited extent of modifying the requirement of paying compound interest to paying simple interest, as the same was neither specified in the agreement nor objected to by the respondent.	
116.	Sukhdeep Singh v. Ved Prakash Chauhan	2019 SCC OnLine Del 7215	O.M.P. 432/2015	18-02-2019	Dismissed on merits		
117.	Union of India v. Rama Construction Co.	2019 SCC OnLine Del 7217 2019) 262 DLT (CN 3A) 3	OMP 175/2015	15-02-2019	Dismissed on merits.		
118.	Airport Authority of India v. Mumbai International	2019 SCC OnLine Del 7213	O.M.P. (COMM) 32/2019	15-02-2019	Dismissed on merits		

	Airport Ltd.						
119.	Pret Study by Janak Fashion Pvt. Ltd. v. Namrata Goyal	2019 SCC OnLine Del 7072	O.M.P. 17/2017	14-02-2019	Partly Allowed	Award partly set aside to the extent that it was decided contrary to applicable law and thus suffered material illegality, ignored statutory provisions regarding limitation and was thus held to be contrary to fundamental policy of law.	
120.	Rakesh Brothers v. Areva T & D India Ltd.	2019 SCC OnLine Del 7033	O.M.P. (COMM) 139/2017	13-02-2019	Dismissed on merits		
121.	Videocon Industries Ltd. v. Morgan Securities & Credits Pvt. Ltd.	2019 SCC OnLine Del 7034	O.M.P. 665/2013	13-02-2019	Dismissed on merits		
122.	BGSCTPL - Vil Consortium v. Airports Authority of India	2019 SCC OnLine Del 7212	O.M.P. (COMM) 140/2016	13-02-2019	Dismissed on merits.		
123.	Gail (India) Limited v. Jindal Saw Limited	2019 SCC OnLine Del 7116	O.M.P. 410/2009	13-02-2019	Dismissed on merits		
124.	Rulia Mal Amar Chand v. Hindustan Petroleum Corp. Ltd.	2019 SCC OnLine Del 6985	O.M.P. 505/2006	05-02-2019	Dismissed but clarification in respect of finding of arbitrator given.	<p>It was held that the finding by the arbitrator that certain agreements, which were beyond the scope of arbitration, were binding on the parties would have no bearing on any dispute arising thereof between the parties.</p> <p>It was held that the arbitrator ought to have restricted himself to the scope of issues and agreement submitted for arbitration.</p>	

125.	Gauri Shankar Educational Trust v. Religare Finvest Ltd.	2019 SCC OnLine Del 6987	OMP (COMM) No. 57/2019	05-02-2019	Dismissed on merits	In the context of the Fifth Schedule of the Act it was held that the mere fact that the Ld. Arbitrator has done more than two arbitration proceedings for a person as an arbitrator without anything more, will not lead to the court holding that the Award be set aside on the ground of lack of 'impartiality or independence' of the arbitrator.	
126.	U.P. State Bridge Corporation Ltd. v. DDA	2019 SCC OnLine Del 7168	O.M.P. 663/2012	04-02-2019	Dismissed on merits		
127.	BKFC & Company Engineers v. Commercial Engineers	2019 SCC OnLine Del 7018	O.M.P. (COMM) 53/2019	04-02-2019	Dismissed on merits.		
128.	Earthcon Constructions Pvt. Ltd. v. Mahamaya Infrabuild Pvt. Ltd.	2019 SCC OnLine Del 7017	O.M.P. (COMM) 51/2019	01-02-2019	Dismissed on limitation.	Dismissed due to delay of 13 days and dismissal of application seeking exclusion of time of 141 days spent in "frivolous litigation"	
129.	India Yamaha Motor Pvt. Ltd. v. Divya Ashish Jamwal	2019 SCC OnLine Del 6912	O.M.P. 1107/2012	30-01-2019	Allowed	Award was set aside as the same was passed contrary to the terms of the contract, without considering relevant material on record and based on surmises.	
130.	National Highways Authority of India v. Oriental Structure Engineers Pvt. Ltd.	2019 SCC OnLine Del 6914	O.M.P. 808/2012	29-01-2019	Dismissed on merits.		

131.	National Seeds Corporation Limited v. International Panaacea Limited	2019 SCC OnLine Del 7399	O.M.P. (COMM) 399/2017	29-01-2019	Dismissed on merits		
132.	State Trading Corporation of India Ltd. v. J.K. International Pvt. Ltd.	2019 SCC OnLine Del 6814	O.M.P. 2/2014	28-01-2019	Partly Allowed	Award was modified to the extent of re-computation of damages to be computed on the basis of sale price of commodity and further, award of interest amount in light of pendency of the matter since 2014.	
133.	Prasar Bharati v. Eisa Lifts Pvt. Ltd.	2019 SCC OnLine Del 6792	O.M.P. (COMM) 190/2016	25-01-2019	Partly Allowed	Award was set aside on the grounds that claims were misconstrued by the arbitrator and that findings of the arbitrator were incorrect and unjustified.	
134.	National Highways Authority of India v. Progressive Construction Ltd.	2019 SCC OnLine Del 6930	O.M.P. (COMM) 13/2018	23-01-2019	Dismissed on merits.		
135.	Delhi Development Authority v. K.R. Builders (P) Ltd.	2019 SCC OnLine Del 6739	O.M.P. 265/2011	22-01-2019	Partly Allowed	Award was partly set aside on the ground that claim was awarded contrary to the findings made by the arbitrator himself in the award and award amount was reduced accordingly. Further, considering the delay caused by the petitioner in raising the invoice, the interest amount was reduced from the awarded 9% per annum to 8% per annum.	
136.	Telecommunication Consultants	2019 SCC OnLine Del	O.M.P. (COMM) 17/2017	22-01-2019	Partly Allowed	Award was set aside to the extent that some of the findings were made	The case may not be

	India Ltd. v. Next Generation Business Power Systems Ltd.	6791				by the arbitrator based on irrelevant materials and facts and therefore, were incorrect.	relied upon since the award appears to have been set aside on grounds other than those permissible under Section 34 of the Act.
137.	Wianxx Impex Pvt. Ltd. v. Evershine Build Well Pvt. Ltd.	2019 SCC OnLine Del 6655	O.M.P. (COMM) 254/2017	21-01-2019	Allowed	Impugned award/order terminating the arbitration proceedings due to non-payment of fee by petitioner company when its directors were in judicial custody was held to be excessively harsh on the petitioner company, given the discretion available to the tribunal under Section 38 of the Act, and was thus set aside.	
138.	Adarsh Kumar Khera v. Kewal Kishan Khera	2019 SCC OnLine Del 6636	O.M.P. 643/2007	16-01-2019	Allowed	Award was set aside since it was passed without providing parties any opportunity of being heard, was contrary to the provisions of law and both the parties were desirous of having it set aside.	
139.	Fitness First India Private Limited v. Ambience Developers and Infrastructure Private Limited	2019 SCC OnLine Del 6794	O.M.P. (COMM.) 202/2016	16-01-2019	Partly Allowed	Award was partly set aside with respect to the quantum of damages awarded, having been awarded in the absence of proper reasoning and supporting evidence, which is contrary to settled law.	

140.	Surinder Kaur v. Shriram Insight Share Brokers Ltd.	2019 SCC OnLine Del 6634	O.M.P. 418/2015	11-01-2019	Dismissed on merits.		
141.	Union of India v. Mago Construction Pvt. Ltd.	2019 SCC OnLine Del 6566	O.M.P. (COMM) 467/2018	10-01-2019	Dismissed on merits		
142.	HCL Infosystems Limited v. Virgo Softech Limited	2019 SCC OnLine Del 6565	O.M.P. (COMM) 33/2018	08-01-2019	Partly Allowed	Award was partly set aside to the extent that a claim had been allowed without consideration of relevant material on record.	
143.	National Highways Authority of India v. PATI-BEL (JV)	2019 SCC OnLine Del 6793	O.M.P. (COMM) 314/2017	08-01-2019	Partly Allowed	Petition was partly allowed to hold that where the tribunal had, rightly so, concluded that it did not have jurisdiction to arbitrate till condition precedent of referring the dispute to a dispute review board as per the terms of the agreement is fulfilled, it ought not to have given observations on whether or not other claims were referred to it.	

CONCLUSION

In view of our above analysis of the cases filed under Section 34 of the Act, we conclude as follows:

(A) For the period from 1 January 2020 to 19 March 2020:

- (i) Around 36% of Petitions disposed of under Section 34 of the Act between the period 1 January 2020 to 19 March 2020 were allowed and the arbitral awards were set-aside on the grounds, as detailed in the table above³; and
- (ii) Around 64% of the Petitions disposed of under Section 34 of the Act between the period 1 January 2020 to 19 March 2020 were dismissed either on merits or on certain preliminary issues like being barred by limitation, etc⁴.

(B) For the period from 1 January 2019 to 31 December 2019:

- (i) Around 38% of Petitions filed under Section 34 of the Act between the period 1 January 2019 to 31 December 2019 were allowed and the arbitral awards were set-aside on the grounds, as detailed in the table above⁵; and
- (ii) Around 62% of the Petitions filed under Section 34 of the Act between the period 1 January 2019 to 31 December 2019 were dismissed either on merits or on certain preliminary issues like being barred by limitation, etc⁶.

3. The percentage of cases in green category in Table A.

4. The percentage of cases in both orange and blue category in Table A.

5. The percentage of cases in green category in Table B.

6. The percentage of cases in both orange and blue category in Table B.

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