

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

FAO No. 1124 of 1994
Date of decision : August 26, 2015

Balmukand Aggarwal

..... Appellant

Versus

Steel Authority of India Ltd.and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. J. S. Toor, Advocate
for the appellant.

Mr. Prabodh Mittal, Advocate
for the respondents.

Amit Rawal, J (oral).

The challenge in the present petition is to the order dated 1.9.1993 whereby an application filed under Section 34 of the Arbitration and Conciliation Act, 1940 has been dismissed.

Mr. J. S. Toor, learned counsel appearing on behalf of the appellant submits that suit for recovery of ₹35,62,650/- which contained the element of principle and interest was filed against the respondent-defendant on the basis of agreement/contract.

He further submits that the court below has misread the letter of offer as a contract and allowed the application by relegating the matter to the arbitrator.

Mr. Prabodh Mittal, learned counsel appearing on behalf of respondents submits that there is umpteen number of

judgments that the letter of offer is a contract and the terms and conditions contained therein are sacrosanct between the parties. Therefore, the trial court has rightly referred the matter to the arbitrator.

I have heard learned counsel for the parties and appraised the paper book.

Mr. J. S. Toor learned counsel appearing on behalf of the appellant at the outset submits that considerable number of years have lapsed owing to the pendency of the matter and the relief which was sought in the suit has not yielded any result. The appellant-defendant has been left in lurch and his client is not averse to the appointment of arbitrator in case the parties mutually agree for the same.

He further submits that pendency of the appeal would not come in way of the petitioner for seeking redressal before the arbitrator and sending notice under the provisions of Arbitration and Conciliation Act, 1996.

In view of the fair and honest offer given by the learned counsel for the appellant, I dispose of the appeal by relegating the same leaving the parties to seek redressal of their grievance under the Arbitration and Conciliation Act, 1996.

**(AMIT RAWAL)
JUDGE**

**August 26 , 2015
archana**