

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**FAO No.4754 of 2010 (O&M)
Date of decision: 10.08.2015**

Punjab State Civil Supplies Corporation Ltd. & another

... Appellants

Vs.

M/s Sharda Rice Mills and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Karan Gupta, Advocate, for the appellants.

Mr. Mukand Gupta, Advocate, for respondent No.1.

AMIT RAWAL J. (Oral)

C.M.No.20310-CII-2010

For the reasons mentioned in the application, which is duly supported by an affidavit, delay of 61 days in filing the appeal is condoned.

C.M. stands disposed of.

FAO No.4754 of 2010 (O&M)

Challenge in the present appeal is to the order dated 25.07.2009, whereby, objection petition filed by the appellants against the Award dated 29.03.2005 passed by the Arbitrator, has been dismissed.

Mr. Karan Gupta, learned counsel appearing on behalf of the appellants submits that against the aforementioned award, the Miller had also filed objections and the said objections were accepted vide order dated 28.10.2011. The matter has been referred to the Managing Director in view of the Excepted Clause contained in the contract. He has handed over a copy of the aforementioned order, which has been taken on record. Since the matter has been referred to the Managing Director, the impugned order dated 25.07.2009 dismissing the objections of the appellants, would not be sustainable in the eyes of law.

Mr. Mukand Gupta, learned counsel appearing on behalf of respondent No.1 submits that he has no objection, in case, PUNSUP is permitted to raise the claim of non-grant of the claim by the Arbitrator before the Managing Director.

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

It is a matter of record that two objections were filed against the Award dated 29.03.2005, one by the miller and another by PUNSUP. As noticed above, objection filed by the miller has been accepted partly, whereas, the claim of PUNSUP has been dismissed. The parties have already appeared before the Managing Director. Therefore, I deem it appropriate to set aside the impugned order. Ordered accordingly. The PUNSUP is permitted to raise the objection by appearing before the Arbitrator.

With the aforementioned observations, the appeal stands disposed of.

(AMIT RAWAL)
JUDGE

August 10, 2015
savita