

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

FAO No.8586 of 2015 (O&M)

Date of decision : 21.12.2015

M/s Shree Ram Rice Mills

...Appellant

Versus

Punjab State Warehousing Corporation Ltd. and ors.

...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. Mukand Gupta, Advocate for the appellant.

AMIT RAWAL, J. (Oral)

The present appeal has arisen out of the order, whereby Objecting Court while setting aside the award dated 07.08.2014 has remanded back the matter to the Arbitrator.

Mr. Mukand Gupta, learned counsel appearing on behalf of appellant submits, that Objecting Court has, in view of judgment rendered by *Bombay High Court Court in Appeal No.35 of 2013 in Arbitration Petition No.47 of 2009 titled as Financial Services Ltd. Vs. Kritika Nagpal, decided on 25.06.2013*, no power to remand the matter to Arbitrator except in cases where Arbitrator omits to decide the certain claims. However, the present case does not fall within those exceptions and has drawn attention of this Court to order dated 02.12.2015

passed in FAO No.8032 of 2015, where this Court has set aside the order by holding that the Objecting Court did not have the power to remit back the matter for arbitration, either had to accept it or rejected it.

Keeping in view the ratio decidendi culled out by Bombay High Court as well as the order passed by this Court in LPA No.1366 of 2012, the impugned order is hereby set aside and the matter is remitted back to the Objecting Court. On receipt of the order, the objecting Court shall give advance notice to the parties while deciding the objections afresh and shall decide the objections as early as possible preferably within a period of four months from the date of receipt of certified copy of this order.

Accordingly, the appeal is allowed.

It is made clear that the impugned order is set aside to the extent of order containing the element of remanding back to the Arbitrator.

21.12.2015

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**(AMIT RAWAL)
JUDGE**