

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

**CR No.2391 of 2016 (O&M)
Decided on: 20.10.2016**

M/s Golden Rice and Agro Products

....Petitioner

Versus

Punjab State Civil Supplies Corporation

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Harsh Goyal, Advocate
for Mr. Tribhawan Singla, Advocate
for the petitioner.

Ms. Deepali Puri, Advocate
for the respondent.

REKHA MITTAL, J. (Oral)

CM No.18064-CII of 2016

Counsel for the petitioner has got no objection if the application filed by the respondent for setting-aside the *ex parte* order dated 08.07.2016 is allowed.

Heard.

Respondent is allowed to join the proceedings.

MAIN CASE

The present petition has been directed against order dated 09.03.2016 (Annexure P2) passed by the Arbitrator whereby right of the petitioner to cross-examine the witnesses of the respondent/claimant has been closed.

Counsel for the petitioner would submit that a serious prejudice shall be caused to the petitioner in case counsel representing the petitioner in the arbitration proceedings is not permitted to cross-

examine the witnesses examined by the respondent/claimant. It is further submitted that even if there was some remiss on the part of the petitioner or delay, if any, is attributable to them, costs is a panacea for the same.

Counsel for the respondents has submitted that in the given circumstances, an appropriate order may be made.

I have heard counsel for the parties and perused the paperbook particularly the order impugned.

Be that as it may, it is an admitted position of the case that the petitioner could not cross-examine the witnesses of the respondent/claimant and their right to cross-examination has been closed. Taking into consideration the principles of natural justice coupled with the serious consequences likely to ensue in case the petitioner is not permitted to cross-examine the witnesses of the respondent/claimant, the petition is allowed and one effective opportunity to cross-examine the witness(s) examined by the claimant/respondent is allowed subject to payment of costs of Rs.5,000/- to be deposited with the Arbitrator and the same shall be released in favour of the witnesses who are re-called for the purpose of cross-examination.

Disposed of accordingly.

20.10.2016
yakub

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No