

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

FAO No.1581 of 2009
Date of decision : 31.05.2016

Punjab State Cooperative Supply and Marketing Ltd. (Markfed)

...Appellant

Versus

M/s D.R. Traders 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: Ms. Deepali Puri, Advocate for the appellant.

Mr. Baldev Raj Mahajan, Sr. Advocate with
Mr. Akhilesh Vyas, Advocate for the respondents.

AMIT RAWAL, J. (Oral)

The appellant-Markfed is aggrieved of the dismissal of the objection filed under Section 34 of the Act for setting aside of the award, whereby claim in part to the tune of ₹27,49,818/- along with future interest at the rate of 21%, has been allowed.

Ms. Deepali Puri, learned counsel appearing on behalf of appellant submits that claim of the Markfed was based on the instruction dated 06.06.2000, whereby, the appellant was entitled to other charges i.e. loss. She submits that cost of difference between 1 ½ economic cost and economic cost of paddy sold and shortage of paddy alongwith interest at the rate of 21%

w.e.f. 01.03.1995 to 31.12.1996, has been rejected. Award is lacking the reasons, therefore, is not in consonance with the provisions of Section 31(3) of the Act.

Mr. B.R. Mahajan, learned senior counsel assisted by Mr. Akhilesh Vyas, learned counsel appearing on behalf of respondents submits that Markfed with regard to the claim had already taken reimbursement from the Central Government, therefore, no cause survives, much less, Markfed cannot permitted to take the benefit and indulge into the profit making. Objections were not falling within the provision of Section 34 of the Act.

I have heard learned counsel for the parties and appraised the paper book and of the view that even economic cost in the other claims were not falling within the jurisdiction of the Arbitrator. Being excepted clause, Markfed has already got reimbursement with regard to the aforementioned amount, therefore, I am of the view, objections were not falling within the parameters of Section 34. Arbitrator being expert has examined the entire evidence while entertaining the claims of the parties threadbare. None of the objections in my view are falling within the parameters of Section 34.

No ground for interference is made out.

Dismissed.

31.05.2016

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**(AMIT RAWAL)
JUDGE**