

205

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 08.07.2016

1.

FAO-3556-2009

The Punjab State Civil Supplies & Marketing Federation Ltd.

... Appellant(s)

Versus

M/s J.B. Traders and others

... Respondent(s)

2.

FAO-4214-2009

The Punjab State Civil Supplies & Marketing Federation Ltd.

... Appellant(s)

Versus

M/s J.B. Traders and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Ms. Deepali Puri, Advocate
for the appellant(s).

Mr. S.K. Singla, Advocate
for respondent Nos.1, 2 and 5.

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

AMIT RAWAL, J. (ORAL)

This order of mine shall dispose of two appeals bearing ***FAO***

No.3556 of 2009 titled as ***"The Punjab State Civil Supplies & Marketing***

Federation Ltd. V/s M/s J.B. Traders and others” and **FAO No.4214 of 2009** titled as **“The Punjab State Civil Supplies & Marketing Federation Ltd. V/s M/s J.B. Traders and others”**.

The appellant-MARKFED is aggrieved of the impugned order dated 03.12.2008, whereby the objections filed under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter called ‘1996 Act’), at the instance of the Miller have been allowed, on the ground that claim contained the element of interest @ 21% & 31%.

Ms. Deepali Puri, learned counsel appearing on behalf of the appellant-MARKFED submits that as per the revised claim, both the aforementioned claims were not claimed, yet the Objecting Court has accepted the objections.

Mr. S.K. Singla, learned counsel appearing on behalf of the respondent(s)-Miller submits that the revised claim was withdrawn and therefore, the un-revised claim contained the aforementioned element of interest and rightly so, the award has been set aside.

At this stage, Ms. Deepali Puri submits that at the best, the Objecting Court ought to have been relegated the party for adjudication of the *lis* before the Managing Director, who is competent to decide the excepted matter.

I have heard the learned counsel for the parties and appraised the paper book and of the view that once, the un-revised claim sustains in view of withdrawal of the revised claim, the matter squarely falls within the excepted clause. The Objecting Court while accepting the Objections ought

to have been given the observation with regard to the adjudication of the claim by the Managing Director, who is competent to decide such type of disputes.

In view of the clarification in the impugned order, the appeals are disposed of.

08.07.2016
yogesh

**(AMIT RAWAL)
JUDGE**