

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

FAO No. 5407 of 2009(O&M)
Date of decision : January 27, 2016

**The Punjab State Co-operative Supply and Marketing Federation
Ltd.**

..... Appellant

Versus

M/s Luxmi Rice Mills, Ahmedgarh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Daman Dhir, Advocate
for the appellant.

Mr. Swaran Sandhir, Advocate
for respondents No.1.

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).

The Punjab State Co-operative Supply and Marketing Federation Limited (Markfed) is aggrieved of the order dated 27.3.2009 on the ground that the objecting court had taken into account the un-revised claim whereas the categoric case of the appellant is that revised claim was filed.

Mr. Daman Dhir, learned counsel appearing on behalf of the appellant submits that supplementary claim accompanied by an affidavit was filed which has been noticed in the award but the same has escaped notice of the objecting court, thus,

there is illegality and perversity in the impugned order.

Mr. Swaran Sandhir, learned counsel appearing on behalf of respondent No.1 submits that there is no illegality and perversity in the impugned order and the same is based upon appreciation of legal provisions, much less record of the arbitration proceedings.

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

In my view, the objecting court has committed illegality and perversity in accepting the objections by taking into consideration the un-revised claim and had not taken into consideration the revised claim which was within the domain of the arbitrator and which, as per the terms and conditions of the agreement was not falling within the excepted clause. The objecting court has remained oblivious of the aforementioned fact.

Accordingly, the order of the objecting court is hereby set aside. The matter is remitted back to the objecting court to decide the objections afresh, preferably within a period of two months from the date of receipt of certified copy of this order.

Accordingly, the appeal stands allowed.

Parties through their counsel are directed to appear before the Objecting Court on 10.2.2016.

(AMIT RAWAL)
JUDGE

January 27 , 2016
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