

206

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

**FAO-1889-2010(O&M)
Date of decision : 02.02.2016**

Punjab State Warehousing Corporation

...Appellant

Versus

M/s Luxmi Traders and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Harsh Aggarwal, Advocate
for the appellant.

None for the respondents.

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)

CM-9270-CII-2010

For the reasons stated in the application which is supported by an affidavit, deficiency in the Court fees has been made good, subject to all just exceptions.

CM stands disposed of.

CM-9271-CII-2010

For the reasons stated in the application which is supported by an affidavit, the delay of 30 days in re-filing the appeal is condoned.

CM stands disposed of.

FAO-1889-2010

The appellant-Punjab State Warehousing Corporation is aggrieved of the order dated 26.11.2008 whereby the objections filed by the Miller against the ex parte Award dated 07.03.2002 have been accepted and the matter has been remitted back to the Managing Director, Punjab State Warehousing Corporation, for adjudication of the dispute.

Mr. Harsh Aggarwal, learned counsel appearing on behalf of the appellant, submits that the claim before the Arbitrator was not falling within the excepted clause of the agreement. The Objecting Court has mis-interpreted the clause, and therefore, the reference of dispute to the Managing Director is not permissible in the law.

There is no representation on behalf of the respondent despite service, as the factum of non-appearance has been noticed vide order dated 12.10.2012. Accordingly, I proceed to decide the appeal on merits.

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

Since, the clause (6) of the agreement provides that the reference of dispute regarding short fall of the paddy/rice, falling within the exceptional clause and domain to adjudicate dispute is with Managing Director, the Objecting Court has rightly found that the aforementioned adjudication of the dispute was within the realm of the Managing Director of the Punjab State Warehousing

Corporation and not with the Arbitrator, in essence, the Arbitrator did not have the jurisdiction.

Keeping in view the aforementioned facts, I do not intend to differ with the findings rendered by the Objecting Court and there is no illegality and perversity in the order.

Accordingly, the appeal is dismissed.

02.02.2016
yogesh

(AMIT RAWAL)
JUDGE