

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

FAO No. 2044 of 2010(O&M)
Date of decision : May 12, 2016

Punjab State Cooperative Supply and Marketing Federation Ltd.

..... Appellant

Versus

M/s Gagan Rice Mills and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Vikas Chatrath, Advocate
for the appellants.

Mr. Mukand Gupta, Advocate
for respondent 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 appellant-Punjab State Cooperative Supply and Marketing Federation Ltd. is aggrieved of the impugned order whereby objections at the instance of the miller filed under Section 34 of Arbitration and Conciliation Act, 1996 have been partly allowed.

Mr. Vikas Chatrath, learned counsel appearing on behalf of the appellant submits that order of the objecting court accepting the objections on the premise that arbitrator could not have awarded compensation on the basis of instructions of State Government dated 6.6.2000 is wholly erroneous as the instructions

have no binding force.

He further submits that against rejection of the other objections the miller has already filed review, which is stated to be adjourned sine die owing to the fact that original record has been summoned by the court. In view of such a finding, the matter is required to be re-considered by the objecting court.

He further submits that objections of the miller were not maintainable as in case of failure the objections taken with regard to the controversy falling within the excepted clause deemed to have waived of the right in view of provisions of Section 4 of the Act but this aspect has not been noticed by the objecting court.

Mr. Mukand Gupta, learned counsel appearing on behalf of the respondents-miller submits that the court has rendered a finding with regard to the rejection of claim filed on behalf of the appellant on the basis of instructions since the review petition is pending.

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

It is a matter of record that review is stated to be pending before the objecting court and the fact that the appellant is aggrieved of the disposal of objections on the basis of instructions of State Government dated 6.6.2000 which do not have a binding force yet it would be in the interest of justice to remand the matter to the objecting court to decide the objections of the miller afresh in the light of the judgment passed by this Court in

FAO No. 806 of 2009 Punjab State Civil Supplies Corporation

Ltd.,Chandigarh and another Vs. Rajinder Kumar and another decided on 22.1.2016 and as well as the fact that review petition is also pending.

The factum of waiving of the right shall also be a matter which would be required to be re-considered by the objecting court.

In view of the aforementioned facts, the impugned order of the objecting court is set aside. The matter is remitted back to the objecting court to decide the same afresh within a period of six months from the date of receipt of certified copy of this order.

The parties through their counsel are directed to appear before the objecting court on 4.7.2016.

(AMIT RAWAL)
JUDGE

May 12 , 2016
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