

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

FAO No.1600 of 2012 (O&M)
Date of decision : 22.01.2016

Punjab State Civil Supplies Corporation Ltd. (PUNSUP) and another

...Appellants

Versus

M/s Rattewala Rice Mills, Abohar Road, Muktsar and ors.

...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: Mr. Karan Gupta, Advocate for the appellants.

None for the respondents.

AMIT RAWAL, J. (Oral)

CM No.6606-CII of 2012

For the reasons stated in the application, delay of 50 days in filing the present appeal, is condoned.

Application is allowed.

Main case

PUNSUP is aggrieved of the order dated 12.08.2011, whereby objections filed on behalf of Miller seeking setting aside of the award dated 24.05.2005, has been allowed on the ground that since it was a case of shortfall of rice the matter was to be decided by the Managing Director and,

therefore, Arbitrator did not have jurisdiction.

Mr. Karan Gupta, learned counsel appearing on behalf of appellant submits that Miller through counsel had appeared and thereafter was proceeded ex parte, they had knowledge of the proceedings. In the absence of any written statement, much less, objections taken with regard to the jurisdiction of the Arbitrator, the said objection is deemed to have been waived under Section 4 of the Arbitration and Conciliation Act, 1996. This aspect has totally been not noticed by the Objecting Court. In support of the contention, he relies upon judgment of this Court in *M/s Gupta Rice Mill (P) Ltd. Vs. The Punjab State Co-operative Supply and Marketing Federation Ltd. and another*, 2013(3) RCR (Civil) 371.

There is no representation on behalf of respondents despite having been served, therefore, I proceed to decide the appeal accordingly.

Since, respondent-Miller has not been taken objection with regard to the jurisdiction of the Arbitrator, it deemed to have waived the right as per Section 4 of the Act as well as in view of ratio decidendi culled out by this Court in judgment cited supra.

The objections in my view were not falling within the parameters of Section 34.

Accordingly, order accepting objection is not sustainable and is hereby set aside.

Appeal stands allowed.

22.01.2016

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**(AMIT RAWAL)
JUDGE**