

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

F.A.O.No.1725 of 2012 (O&M)

Date of decision: 9.8.2016

Haryana State Fed. of Consumer Co.

... Appellants

Versus

M/s Shiv Shankar Rice Mills and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr.Amit Jaiswal, Advocate, for
Mr.Dhiraj Chawla, Advocate,
for the appellants.
None for respondent No.1.

AMIT RAWAL, J. (Oral)

The appellant is aggrieved of the findings recorded by the objecting court whereby the objections of the miller has been partly allowed vis-a-vis claim of the CONFED qua charging of interest of ₹ 4,14,531/- on account of late delivery of rice for the crop year 2001-02.

Mr.Amit Jaiswal learned counsel appearing on behalf of CONFED submits that as per the terms and conditions of the agreement, the miller was to supply the milled rice to FCI by 28.2.2002 and in case of delay, liable to pay interest and the arbitrator did not consider the request of the miller regarding the extension granted by Government of India upto 31.7.2002 and passed the award in favour of the CONFED, however, the objecting court reversed the aforementioned findings by upholding the other findings. He submits that for the crop year 2000-01, the miller has paid the

interest as his plea of extension of date was not accepted. The same principle ought to have been applied for the crop year 2001-02. The objections were not falling within the realm of Section 34 of the 1996 Act and thus, urges this Court for setting aside of the aforementioned findings.

I have heard the learned counsel for the appellant and perused the paper-book and of the view that there is no force and merit in the submission of the appellant that the objecting court has taken into consideration Ex.P10 copy of the letter issued by Government of India extending the date of supply of custom mill rice for the crop year 2001-02 upto 31.7.2002 and Ex.P12 is the copy of notice issued by the federation to the miller directing him to supply the balance rice up to 30.5.2002. I am of the view that once the Government had extended the time period, the miller was not liable to pay interest. As far as the crop year 2000-01 is concerned, the letter of extension was with regard to State of Punjab and, therefore, the arbitrator did not grant relief. Rightly so, the miller was held liable to pay interest for that period. Once extension had been granted, in my view, the findings rendered by the objecting court vis-a-vis the extension do not call for any interference.

For the foregoing reasons, I do not find any illegality or perversity in the impugned order. No ground is made out. Dismissed.

(AMIT RAWAL)
JUDGE

August 9, 2016

Paritosh Kumar

Whether speaking/reasoned : Yes

Whether reportable : Yes/No