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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 11.04.2016

1.

FAO-520-2012 (O&M)

M/s Pathela Rice Mills and others

...Appellants

Versus

Punjab State Civil Supplies Corporation Ltd. and others

...Respondents

2.

FAO-521-2012 (O&M)

M/s Pathela Rice Mills and others

...Appellants

Versus

Punjab State Civil Supplies Corporation Ltd. and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. S.K. Singla, Advocate
for the appellants (in both the appeals).

Mr. I.S. Sidhu, Advocate
for respondent Nos.1 and 2 (in both the appeals).

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)

This order of mine shall dispose of two appeals bearing **FAO**
No.520 of 2012 titled as **“M/s Pathela Rice Mills and others V/s Punjab State**
Civil Supplies Corporation Ltd. and others” and **FAO No.521 of 2012** titled

as *“M/s Pathela Rice Mills and others V/s Punjab State Civil Supplies Corporation Ltd. and others”*.

Mr. S.K. Singla, learned counsel appearing on behalf of the appellant(s), submits that the Arbitrator gave Award dated 09.09.2005 in favour of the PUNSUP. The same was objected to by filing the objections which were accepted and the matter was remitted back to the Managing Director to decide the same as per the Clause 9 and 22 of the agreement. He further submits that the matter cannot be remanded back in view of the judgment rendered by this Court in *FAO no.686 of 2012* titled as *'M/s Moga Roller Flour Mills Pvt. Ltd V/s Punjab State Civil Supplies Corporation Ltd. and others'* decided on *22.01.2016*.

Mr. I.S. Sidhu, learned counsel appearing on behalf of respondent Nos.1 and 2, submits that there is no illegality and perversity in the order, under challenge. Once, it was found by the Objecting Court that the claim of the PUNSUP was within the excepted clause, the order, under challenge, is not justified and prays for dismissal of the appeals.

I have heard the learned counsel for the parties and appraised the paper book and of the view that there is a merit in the appeal. For the sake of brevity, the operative part of the order dated 12.09.2001 passed by the Objecting Court reads thus:-

“In view of my findings on the above said issues, this objection petition succeeds, with costs, and the award dated 09.09.2005 passed by the Sole Proprietor is set aside and the Managing Director, PUNSUP, shall be at liberty to decide the matter as per Clause 9 and Clause 22 of the Agreement afresh. Memo of costs

be prepared. Arbitration file be returned to the respondent and file of this Court be consigned to Record Room”.

It is now settled law that the Objecting Court cannot remand back the matter to the Managing Director. The parties are free to seek vindication of their grievance in accordance with law. This view of mine is fortified vide judgment rendered in **M/s Moga Roller Flour Mills Pvt. Ltd's case** (supra).

Keeping in view the aforementioned facts and circumstances of the case, the order of the Objecting Court qua remand back the matter to the Managing Director, giving the liberty to decide the claim as per Clause Nos.9 & 22 of the Agreement, is hereby set aside and rest of order is affirmed.

The parties shall be at liberty to seek the vindication of their grievance in accordance with law.

With the aforesaid observations, the appeals stand disposed of.

11.04.2016
yogesh

(AMIT RAWAL)
JUDGE