

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

FAO No.2559 of 2013 (O&M)
Date of decision : 08.02.2016

M/s Shree Aggarwal Rice and Allied Industries and another

...Appellants

Versus

PUNSUP 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. D.D. Bansal, Advocate for the appellants.

Mr. Deepak Sabherwal, Advocate for respondent No.1.

AMIT RAWAL, J. (Oral)

CM No.11879-CII of 2013

Prayer in the application is for deleting the name of proforma respondent Surinder Mohini Aggarwal from the array of parties.

For the reasons stated in the application, which is duly supported by an affidavit, application is allowed.

The name of proforma respondent Surinder Mohini Aggarwal is deleted from the array of parties.

Main Case

The Rice Miller is aggrieved of the order dated 02.02.2013, whereby objections filed on behalf of PUNSUP under Section 34 of the 1996 Act for setting aside the award, has been allowed.

Mr. D.D. Bansal, learned counsel appearing on behalf of the Miller submits that the Arbitrator awarded the amount of compensation by holding that the PUNSUP is not entitled to 1 ½ times of economic cost. The Arbitrator did not have the jurisdiction to decide the controversy as the claim was falling within the excepted clause of the agreement. No doubt, the Objecting Court has accepted the objections by relegating the matter to the Managing Director owing to the claim being falling within the excepted clause as claim would be barred by law of limitation.

Mr. Deepak Sabherwal, learned counsel appearing on behalf of PUNSUP submits that Miller shall be entitled to take all the legal objections in accordance with law in case receipt of any notice on behalf of Managing Director. Even otherwise, the jurisdiction of the Arbitrator was not there in view of claim having falling within the Excepted Clause.

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

The Miller shall be entitled to take all the legal objections before Managing Director vis-a-vis jurisdiction as all other possible plea in accordance with law, much less, of that limitation. In view of the fact that original claim of the PUNSUP containing relief which was within the Excepted Clause, no prejudice has been caused to the appellant in case

the Objecting Court has relegated the parties to appear before the Managing Director.

Keeping in view the aforementioned observations, order of the Objecting Court is affirmed.

No ground is made out.

Dismissed.

08.02.2016

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**(AMIT RAWAL)
JUDGE**