

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.5541 of 2013 (O&M)
DATE OF DECISION: September 23,2016

The Punjab State Civil Supplies Corporation Limited and
another

...Appellants

versus

M/s Ajit Rice and General Mills, Ajitwal and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE AMIT RAWAL

Present: Ms.Deepali Puri, Advocate for the appellants.
Mr.S.K.Singla, Advocate for the respondents.

AMIT RAWAL, J.

CM Nos.23380 and 23379 of 2013

For the reasons given in the applications, the delay of
144 and 3 days in filing and refiling the appeal is condoned.

Main case

The appellant is aggrieved of the dismissal of the
application filed under Section 34 of the Arbitration and
Conciliation Act, 1996 for setting aside of the award dated
16.9.2007 whereby the amount of Rs.1,91,805.60 along with
interest awarded in favour of the respondent-miller.

Ms.Deepali Puri, learned counsel appearing for the appellant submits that the Arbitrator and the objecting Court have not considered the fact that the revised claim was filed which was reduced from Rs.2,20,24,649/- to Rs.42,30,130/-, therefore, the jurisdiction of Managing Director was barred and that the benefit of two per cent of diage has not been taken into consideration. The miller had raised the demand to refer the dispute after the expiry of one year which was time barred. The award is based upon the surmises and misreading of oral and documentary evidence.

Mr.S.K.Singla, learned counsel on behalf of miller submits that objections were not falling within the realm of Section 34 of 1996 Act and rightly so the same had been dismissed. The award is perfectly, legal and justified.

I have heard the learned counsel for the parties and am of the view that the Arbitrator has decided the claim on the basis of preponderance of evidence. The appellant has failed to show any patent illegality which can also be considered as against the public policy in view the ratio laid down in Associate Builders v. Delhi Development Authority 2015(3) SCC 49. The said order cannot be said to be erroneous. Even otherwise, the re-appreciation of evidence is not within the domain of this

Court as has been observed in Navodya Mass Entertainment Ltd. v. JM Combines 2015 (5) SCC 698.

Dismissed.

September 23,2016
KD

(AMIT RAWAL)
JUDGE