

225

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

**FAO-6050-2014 (O&M)
Date of decision : 30.05.2016**

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

... Appellants

Versus

M/s Punjab Industrial Corporation and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Aman Chaudhary, Advocate
for the appellants.

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)

CM No.16658-CII-2014

The application is allowed as deficiency in Court fees has been made good subject to all exceptions.

CM stands allowed.

CM-16659-CII-2014

For the reasons mentioned in the application, the delay of 115 days in re-filing the appeal is condoned.

CM stands disposed of.

FAO-6050-2014

The PUNSUP is aggrieved of the allowing of the objections filed under Section 34 of the Arbitration and Conciliation Act, 1996

(hereinafter called 'the 1996 Act') seeking setting aside of the Award dated 26.06.2009.

Mr. Aman Chaudhary, learned counsel appearing on behalf of the PUNSUP submits that the multi-fold claim has lodged before the Arbitrator i.e. economic cost, interest @ 30%, shortage of gunny bags, quality cut, shortage of bardana. The Arbitrator granted the compensation of ₹ 1,54,42,714/- along with interest @ 30%. The Objecting Court has accepted the objection on the ground that all the claims were falling within the excepted clause by giving reference to the Clause 22 and 9 (iii) of the Agreement.

I have heard the learned counsel for the appellant(s) and gone through the Award and of the view that the Objecting Court has committed illegality and perversity in treating that all entire claim of PUNSUP was falling within the excepted clause, whereas there were other claims i.e. with regard to the shortage of bardana, quality cut and loss of gunny bags.

No doubt that the claim on account of economic cost and interest @ 30% was not falling within the realm of the Arbitrator as it was within the domain of Managing Director.

In view of this factual back-ground, I am of the view that the matter is required to be reconsidered by the Objecting Court.

For the foregoing reasons, the impugned order of the Objecting Court is hereby set aside and the matter is remitted back to the Objecting Court to decide the objections in a most pragmatic and reasonable manner preferably within a period of four months from the date of receipt of the certified copy of this order and shall decide the matter after giving the

notices to the parties concerned.

The appellant(s) through counsel is directed to appear before the Objecting Court on 22.07.2016.

Resultantly, the appeal stands disposed of.

30.05.2016
yogesh

(AMIT RAWAL)
JUDGE