

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

FAO No.896 of 2016 (O&M)
Date of decision : 04.02.2016

M/s Hari Om Rice Mills

...Appellant

Versus

The Punjab State Coop. Supply and Marketing Federation Ltd. and another

...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. Tribhawan Singla, Advocate for the appellant.

AMIT RAWAL, J. (Oral)

CM No.2588-CII of 2016

For the reasons stated in the application, which is duly supported by an affidavit, delay of 1172 days in filing the present appeal is condoned.

Application is allowed.

Main Case

Learned counsel appearing on behalf of appellant submits that in view of the ratio decidendi culled out by Hon'ble Division Bench of Bombay High Court in *Appeal No.35 of 2013 in Arbitration Petition No.47 of 2009 titled as Financial Services Limited Vs. Kritika Nagpal*, decided on

25.06.2013 and as well as by this Court in FAO No.8032 of 2015, the Objecting Court could not have remanded back the matter to the Arbitrator. In support of his contention, he has relied upon judgment dated 02.12.2015 rendered in FAO No.8032 of 2015 (Annexure P-2).

I have gone through the impugned order and it reflects remand of the matter back to the arbitrator. The impugned order does not envisage as to whether the remitting back the matter to the Arbitrator is under the provision of Section 34(4) of the Act.

Accordingly, impugned order dated 14.08.2012 is set aside.

The matter is remitted back to the Objecting Court to decide the controversy afresh in accordance with law. Objecting Court shall decide the objection as early as possible preferably within a period of four months from the date of receipt of certified copy of this order.

The impugned order is set aside to the extent of order containing element of remand.

Appeal is allowed.

04.02.2016

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**(AMIT RAWAL)
JUDGE**