

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.4951 of 2017
Date of Order:28.07.2017

M/s Mahadev Rice & General Mills and anotehr

..Petitioners

Versus

Punjab State Warehousing Corporation and
another.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Tribhawan Singla, Advocate,
for the petitioners.

ANIL KSHETARPAL, J (Oral).

Petitioners have filed the present revision petition under Article 227 of the Constitution of India, against the observations made by learned Additional District Judge, Chandigarh, on 04.07.2017, which read as under:-

“The prayer of the remand back of the case to the learned Arbitrator shall be considered at the time of final arguments in the objections.”

Learned counsel for the petitioners has contended that once the High Court while deciding FAO No.8032 of 2015, has held that the Court while deciding objections under Section 34 of the Arbitration and Conciliation Act, 1996 (for short '1996 Act') have no power to remand the matter, therefore, observations made by the Court in the impugned order are wrong.

I have considered the submissions made by counsel for the

petitioners and with his able assistance gone through the orders available on the file.

Learned Additional District Judge has made this observation, which are superfluous in nature.

Pursuant to the order passed by this Court, objections have to be decided by the Court. What would be the result of the objection, no one knows. The objections filed under Section 34 of the 1996 Act are to be adjudicated upon by the Court after looking into the material available on the file. Therefore, the observations as reproduced above, would not bind the Court at later stage.

The revision petition stands disposed of accordingly.

July 28, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No