

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

CWP No.8385 of 2014 (O&M)

Date of decision:17.05.2017

M/s Devta Rice Gram Udyog Samiti (Regd.)

... Petitioner

Vs.

Punjab Agro Foodgrains Corporation Ltd. & others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Vijay Kumar Jindal, Senior Advocate with
Ms. Janya Sirohi, Advocate
for the petitioner.

Mr. Tushant Deep Garg, Advocate
for respondents No.1 and 2.

Mr. R.K.Girdhar, Advocate
for respondent No.3.

AMIT RAWAL J. (Oral)

The petitioner is aggrieved of the notices dated 03.03.2014 (Annexure P-6) and 10.03.2014 (Annexure P-7) issued by respondent No.2- Managing Director, Punjab Agro Foodgrains Corporation Limited calling upon him with regard to initiation of the arbitration proceedings, i.e., for appearance before the Managing Director.

Mr. R.K.Girdhar, learned counsel for respondent No.3 submits that on 05.05.2014, the petitioner had undertaken to deposit a sum of `63 lacs with the respondent-department pursuant to the amount due from respondent No.3 but could not deposit the same, thus, the contempt notice was issued to him.

I am of the view that once the petitioner and respondent department did not appear in the proceedings before the Arbitrator, the writ Court would not have jurisdiction and whatever the claim, much less counter claim being pressed into service by the petitioner and private respondent, can be agitated before the Arbitrator for the purpose of awarding of liability towards respondents No.1 and 2 but not in the manner and mode as indicated above.

Resultantly, in my view, the writ petition is not maintainable and the same is hereby dismissed.

Rule is discharged qua contempt notice being issued vide order dated 24.05.2016.

(AMIT RAWAL)
JUDGE

May 17, 2017
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No