

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

**FAO No.2567 of 2013 (O&M)
Date of Decision : 06.02.2017.**

The Punjab State Civil Supplies Corporation Limited and another

.....Appellants

Versus

M/s Jai Gurdev Gram Udyog Samiti and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Ms. Deepali Puri, Advocate for the appellants.

Mr. Inderjit Sharma, Advocate for the respondents.

ARUN PALLI, J. (Oral)

For, a dispute arose between the parties, the matter was referred by the appellant to the Managing Director, PUNSUP, for adjudication thereof. It is not disputed that parallelly even the arbitration clause was also invoked. As a result, the Managing Director, determined the dispute, vide order dated 5.10.2005 whereas, the Arbitrator rendered the arbitral award on 25.01.2007, vide which the claim of the appellants was accepted.

Being aggrieved against the said award the respondents preferred objections under Section 34 of the Act. A bare reading of the impugned order dated 11.02.2013, reveals that there was a consensus between the learned counsel for the parties that as the dispute was covered within the accepted clause of the contract, the matter be sent to the Managing Director, PUNSUP for decision. It appears that, even at that

stage, it was not brought to the notice of the Court that the Managing Director had since already decided the matter on 5.10.2005. Be that as it may, the fact remains that the learned Additional District Judge referred the matter to the Managing Director, PUNSUP for decision owing to the agreement between the learned counsel for the parties.

That being so, the present appeal is not maintainable, and is accordingly, dismissed.

06.02.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No