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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 930 of 2013 (O/M)
Date of decision : 18.5.2018

M/s Goyal Rice and Oil Mills and another Petitioners

Versus

Punjab State Cooperative Supplies and Marketing Federation Limited and
another Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Mukand Gupta, Advocate,
for petitioners.

Mr. A.P.S. Mann, Advocate,
for respondent No. 1.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

Heard.

Vide order dated 9.2.2007 (Annexure-P-2), learned District Judge, Sangrur, in a case while adjudicating upon application filed under Section 34 of Arbitration and Conciliation Act, 1996, against award dated 25.6.2004, passed by Arbitrator Shri N.S. Saini, learned Additional District and Sessions Judge (Retd.), while observing that claim filed by Markfed has nothing to do with claim of miller qua paddy sold in open sale policy, took a view that Arbitrator failed to pronounce the award on the

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ground that same could not be determined under the original agreement.

Therefore, following order was passed :-

'23. In the result, the application under Section 34 of the Act is accepted with costs and arbitration award dated 25.6.2004 is set aside and the case is remanded back to the Arbitrator to decide the same afresh, as discussed under issue No. 1. He will decide the same within six months on receipt of file. The parties are directed to appear before the Arbitrator on 30.3.2007. The record of the Arbitrator be returned. The fee of Arbitrator is assessed as Rs. 9,000/- to be paid by parties equally. Counsel fee Rs. 500/-. Memo of costs be prepared. File be consigned to the record room.'

The said order has become final. Later on, Markfed filed an application before the learned District Judge, Sangrur, for permission to substitute Arbitrator on the ground that Shri N.S. Saini has refused to act as Arbitrator on the ground that he is quite busy in post retirement multifarious activities and he has no time to attend these matters. This Court, vide order dated 16.1.2018, issued notice to Shri N.S. Saini, learned Additional District and Sessions Judge (Retd.) to respond whether he is willing to act as Arbitrator or not ?

In view of willingness of Shri N.S. Saini, learned Additional District and Sessions Judge (Retd.) to act as Arbitrator, impugned order dated 5.11.2012, permitting to appoint new Arbitrator, is set aside. Shri N.S. Saini, learned Additional District and Sessions Judge (Retd.), is directed to resume the arbitration proceedings and submit his findings/report/award, in terms of order dated 9.2.2007, passed by learned District Judge, Sangrur. The fee of Arbitrator for resumed hearing Rs. 35,000/-, be paid in terms of 'The Chandigarh Arbitration Centre (CAC)

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(Administrative Cost and Arbitrators' Fees) Rules, 2014, to be shared equally
by both parties. Consequently, revision is allowed.

(KULDIP SINGH)
JUDGE

18.5.2018
sjks

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No