

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

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**FAO-3351-2013(O&M)
Date of Decision : 10.10.2018**

S.J.S. Rice Impex Pvt.Ltd.

....Appellant

vs.

Punjab Agro Industries Corporation Ltd. and othersRespondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Mukand Gupta, Advocate
for the appellant.

Mr. Anupam Singla, Advocate
for respondents No. 1 and 2.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the dismissal of the application under Section 34 of the Arbitration and Conciliation Act, 1996 (for short 'the Act').

The claim of the respondent was that it had issued about 90,000 quintals of paddy for milling. The appellant milled only 20% and another 20% was transferred to some other rice miller but the remaining approximately 54,000 quintals was never returned. The appellant filed a reply but was proceeded against ex parte since none appeared and consequently the Arbitrator awarded the amount in question. Thereafter, an application under Section 34 of the Act having been rejected, the appellant is before this Court.

First argument raised by the counsel for the appellant is that any question of shortfall is an excepted matter and could only be decided by

the Managing Director. Moreover, he has raised objection about the interest awarded by the Arbitrator. As per him, the Court refused to exercise jurisdiction vested upon him and therefore, prays that the appeal be allowed. The next argument raised by counsel for the appellant is that the agreement was with the Managing Director, Punjab Agro Industries Corporation Ltd., Chandigarh acting through the District Manager and consequently only he could initiate arbitration proceedings and the present respondent had no role.

Counsel for the respondent has countered by arguing that this is a case where a dishonest miller has never returned almost 54,000 quintals of the paddy which was given for milling and is now raising unnecessarily legalistic arguments. He has argued that the approach of the Court in not interfering with the Award is the correct approach on a conspectus of the facts and specially in view of the evasive written statement filed by the appellant.

In the totality of the circumstances, I am not persuaded to hold that the findings of the Court are either based on no evidence or on such perverse misreading of the evidence so as to justify interference of this Court. The appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

10.10.2018
anuradha

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No