

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

222

**CM-10953-CII-2015 in/and
FAO-3668-2015 (O&M)
Date of Decision : 24.1.2018**

M/S ADHUNIK KRISHI KENDRA & ANOTHER

....APPELLANTS

VS

HMT LIMITED & OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Yogesh Goel, Advocate
for the appellants.

None for the respondents.

AJAY TEWARI, J.(Oral)

CM-10954-CII-2015

This is an application for condonation of 545 days delay in
refiling the appeal.

For the reasons recorded in the application, the same is allowed
and delay of 545 days in refiling the appeal is condoned.

CM-10953-CII-2015

This is an application under Section 149 of the CPC for
permission to affix deficient court fees.

For the reasons recorded in the application, the same is
allowed.

Main Case

This appeal has been filed against the order of the Additional
District Judge, Panchkula dismissing the application under Section 34 of
the Arbitration and Conciliation Act, 1996 (for short 'the Act') filed by

the appellant. The admitted facts are that the appellant was a dealer of the respondent No.1 and ultimately, resigned from the dealership. The respondent filed a claim stating that as part of the arrangement between the parties respondent used to supply tractors and tractor parts to the appellant on credit and after sale the appellant would remit the sale price to the respondent. There was a running account between the parties and ultimately, at the time when the agency was terminated the appellant had to pay an amount of Rs.2,52,642.36 paisa. The appellant made a counter claim where it was alleged that there were certain expenses which the appellant had undertaken on behalf of the respondent which had not been accounted for. The Arbitrator allowed the claim of the respondent and also partly allowed the counter claim filed by the appellant and passed an award. The same having been challenged under Section 34 and the challenge having been rejected the appellant is before this Court.

In paragraph 23 of the impugned order, the Court has dealt with the parameters under which an application under Section 34 of the Act has to be considered. Counsel has not been able to show me that the parameters mentioned are wrong or which one of them is violated in the present case.

Consequently, the appeal is dismissed.

Since the main case has been decided, the pending C.M, if any, also stand disposed of.

24.1.2018
anuradha

(AJAY TEWARI)
JUDGE

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