

CWP No.9825 of 2018

[1]

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

CWP No.9825 of 2018

Date of decision: April 23, 2018

M/s Cholamandlam Investment and Finance Co. Limited & anr. ...Petitioners

Versus

Permanent Lok Adalat and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Varun Katyal, Advocate,
for the petitioners.

Rakesh Kumar Jain, J. (Oral)

The petitioners have challenged the award of the Permanent Lok Adalat (Public Utility Services), Rupnagar (hereinafter referred to as the "Lok Adalat") on the ground that the Lok Adalat did not seek permission of the petitioner before entering into adjudicatory process in terms of Section 22C(8) of the Legal Services Authority Act, 1987 (hereinafter referred to as the "Act"). It is also submitted that the petitioners had filed an application under Section 8 of the Arbitration and Conciliation Act, 1996 to stay the proceedings before the Lok Adalat but the said application was dismissed vide order dated 30.05.2017.

I have heard learned counsel for the petitioners and perused the record.

Insofar as the first argument is concerned, there is no provision in the Act as per which the Lok Adalat has to seek permission of the party(ies) before entering into the adjudicatory process in terms of Section 22C(8) of the

Act. All that has been provided in Section 22C(8) of the Act is that after the failure of the conciliation proceedings, invoked in terms of Section 22C(7) of the Act, the Permanent Lok Adalat can start the adjudicatory process for deciding the case on merits for which the permission is not required to be taken from the party(ies).

The second argument of the petitioners' counsel is also found to be unimpressive because it has been raised as an afterthought. The order dated 30.05.2017 was amenable to challenge at least by way of writ petition, as has been done by the petitioners while challenging the award passed by the Arbitrator but instead of challenging the same, it kept on waiting with a legitimate hope that the application filed under Section 22C of the Act would ultimately be dismissed.

In view thereof, I do not find any reason for the purpose of interference in the present petition.

Dismissed.

April 23, 2018
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned	:	Yes/No
Whether reportable	:	Yes/No