

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

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**FAO-867-2018 (O&M)
Date of Decision : 25.10.2018**

M/s. D.S.Foods

....Appellant

vs.

**The Punjab State Co-operative Supply and Maarketing Federation Ltd.
and others**

....Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.H.S.Oberoi, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

This appeal has been filed by the appellant against the judgment and order dated 27.10.2017 dismissing an application under Section 34 of the Arbitration and Conciliation Act, 1996.

The appellant had entered into agreement to mill paddy with the respondent. As per the respondent 98210 bags were delivered to the appellant but the appellant delivered only 69261 bags rice that is why the claim petition was filed before the Arbitrator. The Arbitrator allowed the claim and the application under Section 34 was rejected and that is why the appellant is before this Court.

Learned counsel has vehemently argued that the only dispute is with respect of one receipt No. 4790 dated 24.11.2009 because as per him actually only 69261 bags of paddy were delivered to him and he milled the same and returned the rice. He has argued that this particular receipt is for

the missing number of 29000 odd bags and actually this receipt has not been proved. The Arbitrator and the Court below have considered this exact argument and have not accepted it. It is a pure argument of fact.

In my opinion, the impugned judgment does not call for any interference. The appeal stands dismissed.

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

25.10.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No