

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

**LPA No.1284 of 2018 (O&M)
Date of Decision :24.08.2018**

M/s. Shiva Traders

.....Appellant

Versus

Union of India and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Sanjeev Manrai, Sr. Advocate with
Mr. Ajay Singh Parmar, Advocate;
Mr. Ravi Sharma, Advocate and
Mr. Rose Gupta, Advocate for the appellant.

KRISHNA MURARI, CHIEF JUSTICE (Oral):

This *intra court* appeal, under clause X of the letters patent, has been filed by the appellant-petitioner, is directed against the judgment and order dated 08.08.2018, passed by the learned Single Judge, dismissing the writ petition and relegating the appellant-petitioner to avail the remedy of arbitration in view of clause-27 of the agreement between the parties.

Undisputed facts are that the appellant-petitioner a rice miller entered into an agreement on 24.10.2013, for custom milling of the paddy. One of the terms of the agreement was that miller shall undertake shelling of paddy at the rates fixed by the Government of India from time to time including payment of drilage @ 1% of MSP or as allowed by the Government of India. It appears that is some dispute with regard to

payment of driage and the amount has been directed to recover from the appellant-petitioner. Aggrieved by the same, the writ petition was filed, which has been dismissed on the ground that since there exists an arbitration clause in the contract between the parties, the appellant-petitioner should invoke the same.

We are also of the considered opinion that once there is an alternative remedy available in the form of an arbitration proceedings under the terms of the agreement the writ petition was not liable to be entertained and has rightly been dismissed by the learned Single Judge on the ground of existence of alternative remedy. The impugned order does not require any interference by us.

The appeal accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

24.08.2018

Manoj Bhutani

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