

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

LPA-1503-2018 (O&M)

Date of decision:- 01.10.2018

M/s Rashi Foods

...Appellant

Versus

Union of India and others

...Respondents

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

Present:- Mr. Daman Dhir, Advocate,
Ms. Kiranjeet Kaur, Advocate,
for the appellant.

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KRISHNA MURARI, C.J. (ORAL)

CM-4061-LPA-2018

For the reasons mentioned in the application, the delay of 10 days in filing the appeal is condoned.

The application stands disposed of.

LPA-1503-2018

This intra court appeal under clause X of the Letters Patent is directed against the judgement and order of the learned Single Judge dated 06.08.2018 disposing of the writ petition filed by the petitioner (appellant herein) challenging the demand of interest from it on account of delay in delivery of the milled rice.

2. Admittedly, the claim set up by the appellant was that since the period of delivery was extended by the Union of India at the request made by Government of Punjab and in view of the policy, no interest was leviable. Learned Single Judge considering the fact that extension sought by Government of Punjab was general in nature and there existed an agreement

between the parties which contained an arbitration clause and disputed questions of fact were involved relegated the petitioner to appear before the arbitrator and accordingly disposed of the writ petition.

3. After having heard learned counsel for the appellant, we see no good ground to take a view different from the one taken by the learned Single Judge. In our considered opinion also, there being an agreement between the parties containing an arbitration clause and the disputed questions of fact being involved for adjudication, the appropriate remedy available to the appellant is to approach the arbitrator.
4. In view of the above, we do not find any infirmity in the judgement of the learned Single Judge which may require any interference by us.
5. Appeal accordingly fails and stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

01.10.2018

Amodh

whether speaking/reasoned	Yes/No
whether reportable	Yes/No