

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

FAO No.4482 of 2005 (O&M)

Date of Decision.03.12.2019

M/s Bharat Rice and Oil Mills and others

...Appellants

Vs

Punjab State Civil Supplies Corporation Limited and others

...Respondents

Present: Mr. R.S. Longia, Advocate
for the appellants.

Ms. Deepali Puri, Advocate
for the respondents.

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

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JAISHREE THAKUR J. (ORAL)

1. The instant appeal has been filed under Section 37 of the Arbitration and Conciliation Act, 1996 seeking to challenge the judgment dated 01.04.2005 whereby the Additional District Judge, Chandigarh disposed of the petitions filed by the Punjab State Civil Supplies Corporation Limited (for short PUNSUP) and the miller by a common order. The Additional District Judge dismissed the objections as filed by PUNSUP while partly allowing the petition filed by the appellant namely M/s Bharat Rice and Oil Mills.

2. While deciding the matter, the Additional District Judge set aside the findings of the Arbitrator holding the miller liable to pay interest on delayed delivery of rice on the ground that it fell within the ambit of Clause 7 (i) of the Agreement and it was not within the jurisdiction of the Arbitrator to decide the question of interest.

3. Aggrieved against the said order, the miller has preferred this appeal and the matter is taken up for hearing today and it appears that

during the pendency of the appeal in the High Court and before *status quo* order was issued by the High Court dated 29.09.2005, Managing Director, who was seized of the matter, has gone into the issue after hearing both parties and has held that miller would pay a sum of ₹92,865/- along with interest @21% per annum and transportation charges etc. Consequently, finding that the matter had already been decided by the Managing Director in terms of the order of the Additional District Judge, nothing survives in the appeal. Dismissed as having been rendered infructuous.

(JAISHREE THAKUR)
JUDGE

December 03, 2019

Pankaj*

Whether speaking/reasoned Yes

Whether reportable No