

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-1540-2020

Date of Decision: 03.03.2020

M/s Ashok Rice Mill, Bajroor

... Petitioner

Versus

Punjab State Civil Supplies Corporation Limited and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Chirag Wadhwa, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

1. The petitioner has not availed and exhausted his remedy which was available to it under Section 13 of the Arbitration and Conciliation Act, 1996 before the Arbitrator before he can set up a case under Section 12 read with Entry 22 of 5th Schedule to the Act. An oral statement that a complaint was made to the Arbitrator himself and he refused to accept the application, is to be disbelieved. It is an afterthought because of failure in the arbitration proceedings. If he made a charge against the Arbitrator that he was biased and the Arbitrator when presented with application refused to take it on record, he should have sent the complaint through official modes by registered post, speed post, email or if the venue was in a public office, PUNSUP, then complaint could have been addressed to the Arbitrator and presented to the Receiving Clerk of the Corporation to make it part of record. I would say no more, since an application under Section 34 is pending before the Additional District Judge, Ropar, where the petitioner

will be free to argue the point based on his complaint Annex P-1, which would be decided in accordance with law and within the parameters of Section 34 of the Arbitration and Conciliation Act,1996.

2. With these observations, this petition is dismissed as no ground warranting interference is made out.

(RAJIV NARAIN RAINA)
JUDGE

03.03.2020
Satyawar

Whether speaking/reasoned	Yes
Whether reportable	Yes/No