

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

**CWP-8277-2016 (O&M)
Date of decision: 18.10.2022**

M/S GURUVAR OVERSEAS

...Petitioner

VERSUS

UNION OF INDIA & ORS.

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. J. P. S. Sidhu, Advocate for the petitioner.

Mr. Anil Chawla, Advocate and
Ms. Ranji Narula, Advocate for respondent No.1.

Mr. Mohit Kapoor, Addl. A. G., Punjab.

Mr. Tarun Seth, Advocate for
Mr. Sumit Jain, Advocate for respondent Nos.4 and 5.

Mr. Rajesh Sethi, Advocate and
Mr. Arun Biriwal, Advocate for respondent No.6.

JAISHREE THAKUR, J. (Oral)

The instant writ petition has been filed seeking issuance of a order, writ or direction specially in the nature of certiorari for quashing the action of the respondents, whereby interest is sought to be charged at the rate of 13% per annum from 01.04.2013 to 26.12.2013 from the petitioner rice miller due to non delivery of balance rice for KMS 2012-13.

The instant writ petition has been contested on the ground that the dispute cannot be agitated in these proceedings since there is a remedy of invoking arbitration as stipulated in view of Clause 27 of the agreement as entered into between the parties.

On 07.02.2019, the instant writ petition was adjourned to await the decision of *LPA No.2043 of 2016*, which had been filed in the matter pertaining to *M/s M. B. Rice & General Mills versus Union of India and others*, wherein the miller has challenged the order dated 04.10.2016, whereby the writ petition has been disposed of relegating the mill to avail of its remedy of arbitration. LPA No.2043 of 2016 stands decided on 24.05.2022, whereby the Division Bench of this Court has upheld the order under challenge. The relevant part of the said order reads as under:-

“Having considered the submissions made by the learned counsel for the parties especially in the the light of the prima facie opinion formed by us that there is a dispute which requires to be resolved between the parties and there being Clause 19 of the Policy and Clause 27 of the Agreement, which provide for arbitration in case of such a situation, the parties have been rightly relegated to avail of the said remedy of arbitration.

We, therefore, do not find any ground for interference in the order passed by the learned Single Judge and thus, dismiss the present appeal.”

A perusal of the order as passed by the LPA Bench clearly reflect that the dispute requires to be settled by arbitration.

Consequently, the instant writ petition is disposed of by giving liberty to the petitioner-Mill to avail its remedy as envisaged under the agreement and invoke arbitration proceedings.

18.10.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

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