

FAO No. 8 of 2022 & connected matter [1]

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

Date of decision: 26th April, 2023

(1) FAO No. 8 of 2022 (O&M)

The Punjab State Cooperative supply and Marketing Fed. Ltd.

Appellant

Versus

M/s K. P. Rice Mill and another

Respondents

(2) FAO No. 1169 of 2022 (O&M)

M/s K. P. Rice Mill and others

Appellants

Versus

Punjab State Cooperative Supply and Marketing Fedration Ltd. & others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Deepali Puri, Advocate for the appellant in FAO No. 8
of 2022 and for the respondents in FAO No. 1169 of 2022.

Mr. Mukand Gupta, Advocate for the respondents in FAO
No. 8 of 2022 and for the appellants in FAO No. 1169 of 2022.

AVNEESH JHINGAN, J (Oral):

1. These two appeals under Section 37 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') are filed by Punjab State Cooperative Supply and Marketing Fedration Ltd. and others (for short, 'Markfed') and M/s K. P. Rice Mills (for short, 'miller') aggrieved of dismissal of objections under Section 34 of the Act on the ground of

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jurisdiction.

2. The relevant facts are that the Markfed entered into an agreement with the miller for shelling the paddy for the crop year 2011-12. The terms and conditions provided for dispute resolution through arbitration. The arbitration proceedings were initiated at the instance of Markfed and culminated in award dated 28.2.2019. The objections filed by both the parties at Gurdaspur were dismissed for want of jurisdiction.

3. Learned counsel for the parties are *ad idem* that in the impugned order the only fact relied upon is that the award was passed at Chandigarh and it was ignored that there was no seat agreed between the parties. However, to cut short the controversy, learned counsel for the parties agree that jurisdiction for entertaining the objections lies with the court at Gurdaspur and they submit to the jurisdiction at Gurdaspur.

4. In view of the above, the impugned order is set aside. The matter is remitted back to the court at Gurdaspur for deciding the objections on merits.

5. The appeals are disposed of.

6. Since the main appeals have been disposed of, pending application(s), if any, is rendered infructuous.

7. Photocopy of the order be placed on the file of connected case.

**[AVNEESH JHINGAN]
JUDGE**

26th April, 2023

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1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No