

209

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

CR-8336-2015

Date of decision: 5th May, 2023

M/s Jai Durga Rice Mills

...Petitioner

Versus

Punjab State Cooperative Supply and
Marketing Federation Ltd. and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Mukand Gupta, Advocate for the petitioner.
Ms. Parminder Kaur, Advocate for
Mr. Sumit Jain, Advocate for the respondents.

AVNEESH JHINGAN, J (Oral):

1. This revision petition is filed seeking quashing of impugned order dated 20th October, 2015 passed by the arbitrator.

2. The brief facts are that the petitioner entered into an agreement on 4th October, 2004 with Punjab State Cooperative Supply and Marketing Federation Ltd. (for short 'Markfed') for milling the paddy. The terms and conditions of the agreement provided for dispute resolution through arbitration. The arbitration proceedings were initiated at the instance of Markfed. Petitioner filed an application before the arbitrator pleading that the claim is time barred. The arbitrator passed the impugned order stating that the issue of limitation can be better decided on completion of the pleadings and the evidence. Aggrieved of the order, the present petition is filed.

3. Learned counsel for the petitioner submits that claim of the Markfed is hopelessly time barred.

4. Learned counsel for the respondents defends the impugned order.
5. It is trite law that issue of limitation is mixed question of fact and law. By the impugned order, the arbitrator has not decided the issue but came to the conclusion that it can be better decided after completion of pleadings and adducing of evidence. There is no legal infirmity in the impugned order, the petition is dismissed.
6. At this stage, learned counsel for the petitioner seeks liberty to raise all the issues raised in this petition in the arbitration proceedings at an appropriate stage.
7. Needless to say that petitioner would be at liberty to pursue the remedies in accordance with law.
8. Since the main petition is dismissed, pending application, if any is rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

5th May, 2023
Parveen Sharma

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