

CM-1-FCARB-2023 in/&
FAO-CARB-8-2020

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

CM-1-FCARB-2023 in/&
FAO-CARB-8-2020

Date of decision : 21.04.2023

Punjab State Power Corporation Ltd.

.....Appellant

VERSUS

Saraf Electricals Pvt Ltd., Bathinda and another

....Respondents

**CORAM:- HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Abhilaksh Grover, Advocate,
for the appellants.

AUGUSTINE GEORGE MASIH, J.

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Prayer in this application is for recall of the order dated 19.12.2022 passed by this Bench, whereby the application for condonation of delay in filing the appeal, application for stay as also the main appeal was dismissed on account of non-appearance of the counsel for the appellant.

For the reasons mentioned in the application, the same is allowed as the same is supported by the affidavit of the counsel himself. The application for condonation of delay in filing the appeal, application for stay and the main appeal are ordered to be restored to its original number.

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Prayer in this application is for condonation of delay of one day in filing the appeal.

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For the reasons stated in the application, the same is allowed.
Delay of one day in filing the appeal stands condoned.

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Learned counsel for the appellant makes a request that the main appeal may be taken up for consideration. On the request of the learned counsel for the appellant, the appeal is taken on board for consideration.

Learned counsel for the appellant has submitted that the Additional District Judge, Patiala, acting as Commercial Court-I, Patiala, has dismissed the petition preferred by the appellant under Section 34 of the Arbitration and Conciliation Act, 1996, for setting aside the award dated 20.10.2014 as passed by the Arbitrator, along with the similar petition which had been preferred by respondent No.1. Counsel contends that the primary reason as to why the appellant is assailing the said order passed by the Commercial Court at Patiala is that in case the company is a small scale industry and the same has not been registered under the MSME Act showing registration certificate, the benefit thereof cannot be granted.

This contention of the learned counsel for the appellant cannot be accepted in the light of the judgment of the Delhi High Court in W.P. (C) 5004/2017 & CM No.21615/2017, titled as 'M/s Ramky Infrastructure Private Limited Vs. Micro and Small Enterprises Facilitatino Council and another', decided on 04.0.2018.

In the light of the above, we do not find any merit in the present appeal which would call for any interference by this Court. The appeal, therefore, stands dismissed.

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In the light of the dismissal of the main appeal, no orders are required to be passed in the present application for stay as the same has been rendered infructuous.

Disposed of as such.

(AUGUSTINE GEORGE MASIH)
JUDGE

21.04.2023
Harish

(VIKRAM AGGARWAL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>