

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

206/2

CWP-7457 of 2021

Date of Decision:24.04.2023

M/s Shree Shanker Ji Rice & General Mills and others

....Petitioners

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Daman Dhir, Advocate, with
Ms. Poonam Rani, Advocate,
for the petitioners.

Mr. Jaivir Singh, Advocate, for
Mr. Ashish Rawal, Advocate,
for respondent No.1-Union of India.

Mr. Arun William, AAG, Punjab

Ms. Deepali Puri, Advocate,
for the respondent-PUNGRAIN.

Mr. Anil Kumar Sharma, Advocate,
for respondent No.8.

Mr. A.P.S. Mann, Advocate,
for respondent No.9.

Mr. H.S. Randhawa, Advocate,
for the respondent-PUNSUP.

JASGURPREET SINGH PURI, J. (Oral)

1. Learned counsel for the petitioner submitted that identical subject matter was decided in CWP-9258 of 2021 which was assailed by way of LPA-461 of 2021 and the same has also been disposed of.

2. All learned counsel who have appeared today on behalf of their respective parties have stated that in the aforesaid CWP-9258 of 2021 identical relief was sought and the same has been decided on 04.05.2021 whereby the aforesaid petition and other petitions were dismissed on the ground that there was an arbitration clause in the custom milling policy and in case the petitioners ultimately choose to invoke the arbitration clause, then it is expected that the arbitrator will independently decide the matter.

3. All learned counsel have further informed this Court that against the aforesaid order, an LPA was also preferred by the petitioners and the LPA has also been disposed of on 09.01.2023 and the relevant portion of the same is reproduced as under:-

“Keeping in view the fact that there has been arbitration clause inter se and it is also the reason for dismissal of the writ petition, we are of the considered opinion that due to the pendency of the litigation, the cause of action no longer subsists now due to subsequent developments. If there is any dispute regarding the amount of payment if any, made, it is open to the millers to raise their claim as per the arbitration clause. Since the present petition involves disputed facts and it is settled principle that the writ court would not go into the arena of disputed issues and therefore, we will be handicapped while sitting in appeal regarding this aspect.

Accordingly the present appeal is disposed as having become infructuous.”

4. All learned counsel have submitted that the present petition may also be disposed of in terms of the aforesaid orders passed in the aforesaid writ petition as well as the LPA.

5. In view of the joint request made by learned counsel for the parties, the present petition is also disposed of in terms of the order passed by this Court on 04.05.2021 in CWP No.9258 of 2021 and LPA No.461 of 2021 decided on 09.01.2023.

(JASGURPREET SINGH PURI)
JUDGE

April 24, 2023
dinesh

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