

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

209

**CWP-8301 of 2021
Date of Decision: 30.01.2023**

M/S ANNPOORNA RICE AND GENERAL MILLS AND OTHERS

....Petitioner(s)

Versus

UNION OF INDIA AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Daman Dhri, Advocate, for the petitioners.

Mr. K. K. Gupta, Advocate, for respondents No. 2 to 4.

Ms. Deepali Puri, Advocate, for respondent No.7.

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

Mr. APS Mann, Advocate, for respondent No.9-Markfed.

Mr. HS Randhawa, Advocate, for respondent No.10.

JASGURPREET SINGH PURI, J. (Oral)

At the outset, all the learned counsels for the parties have stated that in an identical writ petition involving identical relief in CWP No. 9258 of 2021, decided on 04.05.2021, the 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, it is expected that the arbitrator will independently decide the matter.

All the learned counsels have informed this Court that against the aforesaid order, an LPA was preferred by the petitioners of those cases and the LPA has also been decided on 09.01.2023 whereby the LPA has been disposed of by passing an order 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.”

All the learned counsels have submitted that the present writ petition may also be disposed of in terms of the aforesaid writ petitions and the LPA order.

In view of the joint request made by all the learned counsels for the parties, the present writ petition is also disposed of in terms of judgment dated 04.05.2021 in CWP No. 9258 of 2021 and LPA No. 461 of 2021, decided on 09.01.2023.

(JASGURPREET SINGH PURI)
JUDGE

January 30, 2023
dinesh

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