

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

**FAO No. 3166 of 2019 (O&M)
Date of decision: 19th April, 2023**

The Punjab State Civil Supplies Corporation Ltd. and another

Appellant

Versus

M/s Rishi Rice Mills Pvt. Ltd. and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. D. S. Bhinder, Advocate for
Mr. Birinder Pal, Advocate for the appellant.

AVNEESH JHINGAN, J (Oral):

1. This appeal under Section 37 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') is filed aggrieved of setting aside of arbitral award in proceedings under Section 34 of the Act. The appeal is accompanied by an application for condonation of delay of 44 days in filing thereof.

2. The brief facts are that the appellant entered into a custom milling agreement with respondent No. 1 (hereinafter referred to as 'the respondent') for the crop year 2010-11. The terms and conditions provided for dispute resolution through arbitration. At the instance of the appellant, arbitration proceedings were initiated which culminated in award dated 27.4.2016. The respondent had filed the counter claim before the arbitrator.

3. Aggrieved of the award, objections under Section 34 of the Act were filed by the respondent. The Additional District Judge set aside the

award observing that the arbitrator had not considered the counter claim of the respondent. Hence the present appeal.

4. From a perusal of the order, it is evident that the issues have not been decided on merits. The award has been set aside on the ground that the arbitrator had not decided the counter claim of the respondent. The said fact is not in dispute.

5. In such circumstances, no case is made out for interference by this court.

6. The appeal is dismissed.

7. Consequently, the application for condonation of delay is also dismissed.

[AVNEESH JHINGAN]
JUDGE

19th April, 2023

mk

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