

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

CWP-15499-2016

Date of decision: 23.03.2023

M/S MAHAVIR RICE & GEN.MILLS

.....Petitioner

VERSUS

DISTRICT CONTROLLER FOOD & CIVIL SUPPL.& ORS.

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Sherry K. Singla, Advocate
for the petitioner.

Ms. Brea Sandhu, Advocate with
Ms. Deepali Puri, Advocate
for the respondent No.3.

VINOD S. BHARDWAJ, J. (Oral)

The present petition had been filed for seeking issuance of directions to the respondents to issue a 'No Objection Certificate/NDC' to the petitioner firm which claims that the entire arrears already stands paid to the respondent-department pursuant to the award dated 25.07.2014. The matter had remained pending since the proceedings of the award had not attained finality and originally objections under Section 34 of the Arbitration and Conciliation Act, 1996 had been preferred and thereafter appeal under Section 37 of the Act has been filed.

Learned counsel for the petitioner points out that the appeal under Section 37 of the Act, against the dismissal of the

objections under Section 34 of the Arbitration and Conciliation Act, 1996 stands dismissed vide order dated 14.02.2023 passed in FAO No. 3393 of 2018 (O&M) titled “*Punjab Grains Procurement Corporation Ltd. versus Mahavir Rice & General Mill, Hakimpur*”.

Counsel for the respondent is not able to dispute the aforesaid factual assertion.

In view of the aforesaid uncontroverted position of fact and the claim that the dues/amount payable as awarded by the Arbitrator already stands deposited by the petitioner and that there is no outstanding dues, there is no reason why the No Objection Certificate/No Dues Certificate can be withheld by the respondent-Corporation. The present petition is accordingly allowed. The respondents are directed to issue the No Objection Certificate/No Dues Certificate to the petitioner expeditiously and preferably within a period of 06 weeks without prejudice to any other claim which the respondents may have against the petitioner.

(VINOD S. BHARDWAJ)
JUDGE

MARCH 23, 2023

Vishal sharma

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