

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CR-4943-2023 (O&M)
Date of Decision:-19.10.2023

M/s Brar Rice Mills

....Petitioner

Versus

Punjab State Civil Supplies Corporation Limited and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Garima Modi, Advocate and
Mr. Rose Gupta, Advocate for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner assails order dated 24.7.2023 (Annexure P-8) passed by the Sole Arbitrator vide which the cross examination of Shri Vijay Kumar has been treated as 'Nil'.
2. Learned counsel representing the petitioner submitted that the Arbitrator has been proceeding with the matter in a hurried manner and has not given proper opportunity to the petitioner to cross examine the witness produced on behalf of the claimant.
3. This Court has considered the aforesaid submissions and has also perused the impugned order dated 24.7.2023 (Annexure P-8), which is reproduced hereinunder:

“The proceedings are not moving smoothly. There is no power of attorney in the file given by Respondent to appear and contest the

case. Sh. Satish Singla stated that he has the original power of attorney with him. The witness is trying to given answers of the questions and he cannot be compelled to give answers to the choice of Sh. Satish Singla. Whatever relevant questions wants to ask he can ask but further adjournment is not allowed. Nil opportunity given and the above cross-examination will be read.”

4. A perusal of the aforesaid order indicates that the counsel, who had been representing the petitioner, has not been fully cooperating with the proceedings of arbitration. The Arbitrator has specifically recorded to this effect and has also observed that the witness cannot be forced to answer to the questions put during cross-examination as per choice of the counsel opposite. It was thereafter that the Sole Arbitrator, while clarifying that the counsel for petitioner was free to ask the questions but further adjournment shall not be given. Ultimately, the cross examination of the witnesse was treated as ‘Nil’.
5. This Court cannot appreciate the aforesaid conduct on the part of the petitioner or his counsel in not choosing to cooperate with the arbitration proceedings or trying to create hurdles in the proceedings. The Arbitrator was fully justified in passing the impugned order. Finding no merit in the present petition, the same is hereby dismissed.

19.10.2023

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No