

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-13244-CII-2018 in/and

FAO-3773-2018 (O&M)

Date of Decision: 21st April, 2023

Punjab State Civil Supplied Cooperation Ltd. (PUNSUP) and anr.
... Appellants

Versus

M/s. Singla Food Products Bhawanigarh and anr. ... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Birinder Pal, Advocate for the appellants.

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 allowing the objections under Section 34 of the Act filed by the respondents.

2. Brief facts of the case are that there was an agreement between the appellant-PUNSUP and the respondent No.1 (hereinafter referred to as 'respondent'). As per the terms and conditions of the agreement, the dispute between the parties was to be resolved through arbitration. The proceedings of arbitration were initiated at the instance of the appellant-PUNSUP which culminated in ex-parte award dated 11.02.2013. The respondent filed objections under Section 34 of the Act raising an issue that no notice for appointment of the arbitrator or of arbitration proceedings was served.

3. The Additional District Judge after perusing the record concluded that there is nothing on record to substantiate that notice for appointment of arbitrator or of arbitration proceedings was served upon the

respondents. It was noted that as per case set up the Arbitrator had sent notice through registered post but there was no evidence available on record. Resultantly, the award was set aside.

4. Learned counsel for the appellants reiterates that notice was served on the respondents.
5. Heard learned counsel for the appellants.
6. The findings recorded in the impugned order is that there is no receipt on record of notice being sent through registered post by the Arbitrator. Further that merely on the basis of an intimation sent by the official of the PUNSUP without there being any basis the arbitrator had recorded a finding that respondent had refused to accept notice.
7. No case is made out for reserving the factual finding recorded in impugned order, appeal is dismissed.
8. Since the main case has been dismissed, the pending application(s), if any is rendered infructuous.

(AVNEESH JHINGAN)

JUDGE

21st April, 2023

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