

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

FAO No. 379 of 2018 (O&M)

Date of decision: 15th May, 2023

Punjab State Cooperative Supply and Marketing Federation Ltd.

Appellant

Versus

Rajesh Kumar and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. A.P.S.Mann, Advocate for the appellant.
Mr. Ishan Gupta, Advocate for the respondents.

AVNEESH JHINGAN, J (Oral):

1. Punjab State Cooperative Supply and Marketing Federation Ltd. (for brevity 'Markfed') is in appeal under Section 37 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') aggrieved of acceptance of objections under Section 34 of the Act filed by the respondents.
2. The brief facts are that on 3.2.2010, the parties entered into an agreement for shelling of paddy for the crop year 2009-10. The rice was to be supplied within the stipulated period. On failure of the respondents to deliver the milled rice, the arbitration initiated at the instance of Markfed culminated in award dated 26.6.2014. The objections filed by the respondents were accepted on 1.8.2017 and it was held that the award was non-speaking.
3. Learned counsel for Markfed submits that after having held that the award was non-speaking, there was no occasion under Section 34 of the Act to comment upon the aspects not considered and discussed in

the award.

4. Learned counsel for the respondents defends the award and the impugned order.

5. From the cursory look on the award, it is evident that arbitral award is bereft of reasons and is violative of Section 31(3) of the Act. In such circumstances no interference is called. The appeal is dismissed.

6. However, it is clarified that in eventuality of the parties exercising their right of fresh arbitration, the same would be decided in accordance with law without being influenced by the observations made in the impugned order.

7. Since the main appeal has been dismissed, pending application, if any, is rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

15th May, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |