



(110)

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

ARB-253-2024 (O&M)

Date of decision : 24.05.2024

Punjab Agro Foodgrains Corporation Limited, Gurdaspur

.....Petitioner

Versus

M/s Shiva Food Industries

....Respondent

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA, ACTING CHIEF JUSTICE

Present: Mr. G.C. Garg, Advocate,
for the petitioner.

G.S. SANDHAWALIA, ACTING CHIEF JUSTICE (Oral)

1. This is a petition filed by the petitioner under Section 11 (6) of the Arbitration and Conciliation Act, 1996 (in short 'the Act') for appointment of sole Arbitrator.

2. It is not disputed that earlier in pursuance of an agreement dated 09.10.2015 (Annexure P-1) inter-se the parties, a retired Additional District & Sessions Judge was appointed an Arbitrator to resolve the disputes and differences between the parties. He delivered an award dated 31.08.2017 (Annexure P-2) in favour of the present petitioner. The respondent as such challenged the award under Section 34 of the Act and was successful in getting the same set aside vide judgment dated 02.12.2023 (Annexure P-3) passed in Arbitration Case No. 958 of 2017 by the Additional District Judge, Chandigarh, on various grounds, including the fact that award as such was non-speaking and unreasoned as it had not dealt with most of the fundamental



issues and, therefore, there was patent illegality. In such circumstances, once the parties having already exhausted their remedy as such for appointment of Arbitrator, it would not give a fresh cause of action as such. In such circumstances, learned counsel for the petitioner could not cite any judgment in support of his case that such a procedure for appointment of Arbitrator can be adopted by approaching this Court at this stage, without raising challenge to the order of the Additional District Judge, Chandigarh, dated 02.12.2023.

3. Resultantly, the petition stands dismissed.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

May 24, 2024
ndj

Whether speaking/reasoned	Yes
Whether reportable	No