



CM-21705-CII-2023 and
CM-21706-CII-2023 in
RA-CR-158-2023 in FAO-2462-2005

1

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

110

CM-21705-CII-2023 and
CM-21706-CII-2023 in
RA-CR-158-2023 in
FAO-2462-2005
Date of Decision: 01.08.2024

THE PUNJAB STATE CIVIL SUPPLIES
CORPORATION LTD AND OTHERS

.... Non-review applicant/Appellants

Vs

SHAM RICE MILLS

... Review-applicant/respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Brijeshwar Singh Bhalla, Advocate
for the review-applicant/respondent

SUVIR SEHGAL, J. (ORAL)

1. Instant application for review of order dated 25.09.2019 has been filed by the applicant-respondent primarily on the following grounds:-

“5. That the said order was challenged by the appellants before this Hon'ble court by way of above said appeal in which the appellant engaged Mr. Sanjeev Bansal, Advocate and it was informed by Mr. Sanjeev Bansal that it will take long time and he will inform the applicant as and when the matter is listed for hearing.

6. That on this the applicant remain silent and care



CM-21705-CII-2023 and
CM-21706-CII-2023 in
RA-CR-158-2023 in FAO-2462-2005

2

free.

7. *That the applicant was shocked when a notice of execution was received and came to know about the decision of the appeal in the Hon'ble High Court. Copy of the said notice dated 7.8.2023 is annexed as Annexure R-1/1.*

8. *That thereafter the applicant tried to contact Sh. Sanjeev Bansal and came to know that Sh. Bansal was no more and had passed away few years back.*

9. *That it is because of the above said reason neither the applicant nor his counsel appeared and the matter went unrepresented.*

10. *That it is because of the above said reason the applicant could not present their case before this Hon'ble Court.”*

2. By order dated 09.07.2024, this Court directed the registry to verify from the record and report as to whether the respondent has put in appearance in the appeal personally or through a counsel. Office has reported as under:-

“Nobody (sic. has) put appearance on behalf of the respondent in the above noted case.

Submitted for 01.08.2024”

3. Counsel for the review-applicant has been heard.

4. There is no averment in the review application as to when Mr. Sanjeev Bansal, Advocate, who has unfortunately expired, was engaged. Review-applicant has even failed to bring on record the mode and manner in which he had paid the professional fee. No communication

CM-21705-CII-2023 and
CM-21706-CII-2023 in
RA-CR-158-2023 in FAO-2462-2005

3

addressed to the counsel or received from him, has been brought on record. Mere fact that late Mr. Sanjeev Bansal, Advocate was representing the respondent before the Arbitrator as well as during the course of hearing of the objection petition under Section 34 of the Arbitration and Conciliation Act, 1996, cannot lead to the presumption that he had been engaged as a counsel in the main appeal.

5. No ground for review is made out.
6. Review application as well as application for condonation of delay of 1392 days in its filing, are dismissed.
7. Pending application, if any, also stands disposed of.

01.08.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>