



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

CWP-17734-2025

Date of decision: 02.07.2025

M/s Himanshu Logistics

....Petitioner

Versus

The Permanent Lok Adalat, Public Utility Services, Rewari, through its
Chairman/Authorized Officer and others

....Respondents

2.

CWP-17746-2025

M/s Himanshu Logistics

....Petitioner

Versus

The Permanent Lok Adalat, Public Utility Services, Rewari, through its
Chairman/Authorized Officer and others

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Manoj Yadav, Advocate,
for the petitioner(s).

KULDEEP TIWARI, J. (Oral)

1. Since a common issue is involved in these petitions, therefore, both, being amenable for common decision, are taken up together. However, for brevity, the facts are being derived from CWP-17746-2025.

Factual Matrix

2. Succinctly, the petitioner had availed financial assistance from respondents No.2 and 3, for purchasing two transport vehicles, and it was re-paying the loan in installments, as per the decided schedule.



However, since, on the account of business losses suffered by the petitioner, it defaulted in re-payment discipline, both the loan accounts became overdue. Accordingly, respondents No.2 and 3 served a letter upon the petitioner on 08.12.2023, thereby, demanding the entire outstanding loan amount from the petitioner-company. Further, it was also informed that in case of non-payment of the entire loan amount, the vehicles in question would be re-possessioned/confiscated by the private respondents. However, the petitioner did not deposit the requisite outstanding amount, and on 14.12.2023, both the vehicles were confiscated by respondents No.2 and 3, through their henchmen/recovery agents. Thereafter, the petitioner requested respondents No.2 and 3, to return the vehicles, but to no avail. Fetching grievance from the abovesaid action of respondents No.2 and 3, the petitioner filed an application under Section 22-C of the Legal Services Authorities Act, 1987 (hereinafter referred to as, 'the Act'), before the Permanent Lok Adalat, Public Utility Services, Rewari (hereinafter referred to as, 'PLA') for settlement of the dispute, with the prayer to direct respondents No.2 and 3, to either return the vehicles in question or to refund the entire amount. The application was contested by the private respondents, primarily on two grounds: (i) maintainability of the application on account of an arbitration award, which was already passed by the sole-arbitrator appointed by them, in pursuance of the agreement, and, (ii) as the vehicles had already been sold to the third party, they were unable to return the same.



3. The learned PLA, after considering the rival submissions, dismissed the application on the ground that the issue raked up by the applicant-petitioner was not a pre-litigation issue, as an award had already been passed. Further, the issue of return of the vehicles did not arise, as the same had already been sold by the private respondents. Furthermore, as the prayer of returning the entire amount was a highly disputed question of fact, it can only be adjudicated by an apt forum/court.

Submissions of the learned counsel for the petitioner

4. Learned counsel for the petitioner, in an attempt to throw a challenge to the impugned award, submits that the arbitrator was unilaterally appointed by respondents No.2 and 3, and the petitioner was never made to join the arbitration proceedings. He further submits that the *ex-parte* award, as passed by the arbitrator, does not divest petitioner(s) of the rights to approach the PLA in case of any deficiency of service, specifically, when the subject jurisdiction is absolutely notified under the Public Utility Services by the Government concerned.

5. No other argument was raised before this Court.

Findings

6. This Court has considered the submissions made by learned counsel for the petitioner and has gone through the entire case file, however, this Court is unable to accept the same, as he fairly concedes that the award has been passed, and the petitioner has an efficacious alternate remedy to challenge the award (*supra*), under the apt provisions of the Arbitration and Conciliation Act, 1996. Further, this Court has not



found any perversity or illegality in the finding returned by the PLA concerned that the application was filed post-litigative stage, and therefore, the same was rightly not entertained by the latter concerned. In view of the aforesaid, this Court is of the considered opinion that once the award has already been passed, the PLA may not be in a position to frame any terms of settlement, consequent thereof, it would not be able to invoke Section 22(8) of the Act to adjudicate the issues on merit.

Decision

7. In the wake of the position sketched out above, no ground is made out to interfere with the impugned order passed by respondent No.1. Consequently, both the instant petitions are **dismissed**.
8. A photocopy of this order be placed on the file of connected case.

(KULDEEP TIWARI)
JUDGE

02.07.2025
Ak Sharma

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