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

ARB-734-2025

Date of decision: 15.05.2026

M/S DEEPAK RICE AND GENERAL MILL AND ANOTHER

...Applicant(s)

VERSUS

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

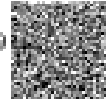
Present:- Mr. Sachin Kamboj, Advocate
for the applicant.

Mr. Naveen S. Bhardwaj, Addl. A. G., Haryana.

JASGURPREET SINGH PURI, J. (Oral)

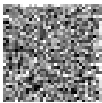
1. The present application has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') seeking appointment of an independent Arbitrator to adjudicate the disputes and differences which have arisen between the parties.

2. Learned counsel for the applicants submitted that there is an agreement between the parties vide Annexure P-1, which contains an arbitration clause i.e. Clause 26 and notices invoking the arbitration clause were issued to the respondents firstly vide Annexure P-7 dated 20.05.2018 and secondly vide Annexure P-8 dated 20.09.2018 but no response was received from the respondents and therefore, the present application has been filed seeking appointment of an independent Sole Arbitrator. He further submitted that the



applicants had earlier also filed an arbitration case before this Court but the same was dismissed as withdrawn vide Annexure P-9 with liberty to file a fresh arbitration case after following the procedure prescribed under the Act because at that point of time also the stand taken by the respondents was that no notice invoking the arbitration clause had been served upon them.

3. On the other hand, Mr. Naveen S. Bhardwaj, Addl. A. G. Haryana submitted that the present arbitration case is liable to be dismissed in view of the fact that no notice was served upon the respondents either vide Annexure P-7 or vide Annexure P-8. He further submitted that Annexure P-7 was addressed to the Managing Director, Food and Supplies Haryana, who was not even a party to the agreement and therefore, the same is of no consequence and so far as Annexure P-8 is concerned, it was addressed to two persons, namely, the Director, Food and the Supplies Haryana and the District Food and Supplies Controller, Karnal. He further submitted that the District Food and Supplies Controller, Karnal was a party to the agreement but no such notice has in fact been issued to the respondents. To substantiate his submission, he submitted that there is no document or proof or any receipt in this regard attached by the applicant along with the present arbitration case or even produced before the Court and in fact no such notice was ever issued to the respondents. He also submitted that a photocopy of the receipt has been attached at page No.58 of the paper-book, which is clearly addressed to the Managing Director, Food and Supplies Haryana, who is not a party to the agreement and therefore, no Arbitrator can be appointed in the absence of issuance of notice under Section 21 of the Act.



4. Learned State counsel submitted that even for the sake of arguments, otherwise also the present arbitration case would not be maintainable because assumingly any such notice was issued, the same pertains to the year 2018, whereas the present arbitration case has been filed in the year 2025 and therefore, it would otherwise also be hit by the law of limitation.
5. After hearing the learned counsels for the parties and on a specific query raised to the learned counsel for the applicant as to whether he has any receipt of either of the aforesaid notices i.e. Annexure P-7 and Annexure P-8, to which he submitted that no such receipt is available. Learned State counsel has already specifically denied the issuance of the aforesaid notices or any receipt thereof by the District Food and Supplies Controller, Karnal, who was a party and signatory to the agreement.
6. Consequently, the present arbitration case is hereby dismissed.

15.05.2026
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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