

ITEM NO.31 Court 12 (Video Conferencing) SECTION IV-B

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 7687/2017

(Arising out of impugned final judgment and order dated 28-04-2016 in FAO No. 6760/2010 passed by the High Court Of Punjab & Haryana At Chandigarh)

PUNJAB STATE CIVIL SUPPLIES CORPORATION LTD AND ANR Petitioner(s)

VERSUS

M/S RAMNATH AND SONS AND ORS.

Respondent(s)

Date : 11-03-2022 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH  
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s) Mr. Sanchar Anand, Adv.  
Mr. Anant Kumar Vatsya, Adv.  
Mr. Shiv Kumar, Adv  
Mr. Devendra Singh, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

1. Though served, nobody appears on behalf of the respondents.
2. Feeling aggrieved and dis-satisfied with the impugned judgment and order passed by the High Court of Punjab & Haryana at Chandigarh in FAO No. 6760/2010 by which the High Court while deciding another FAO No. 4558 of 2009 along with FAO No. 6760 of 2010 has also disposed of/allowed the FAO No. 6760/2010 without deciding the said appeal on merits, the original appellants - Punjab State Civil Supplies Corporation Ltd. & Anr. have preferred the present Special Leave Petition.
3. Before the learned Arbitrator, the petitioners claimed Rs.76,00,000/-. The learned Arbitrator declared the Award for an

amount of Rs.40,05,303/-. Against the Award passed by the learned Arbitrator, both, the original Claimant as well as the respondents initiated the proceedings under Section 34 of the Arbitration Act. The petitioners-Claimants prayed for enhancement and the respondent(s) - Miller prayed to set aside the Award passed by the Arbitrator on the ground that the dispute falls within the exception clause. In the proceedings under Section 34 of the Arbitration Act, the first appellate court set aside the Award passed by the Arbitrator and allowed the Section 34 application accordingly. The first appellate court dismissed the Section 34 proceedings initiated by the petitioners-original Claimants which were for enhancement of the amount.

4. Feeling aggrieved and dis-satisfied with the orders passed by the first appellate court passed under Section 34 of the Arbitration Act, the petitioners preferred two first appeals before the High Court. The petitioners preferred FAO 4558/2009 against the order passed by the first appellate court setting aside the Award. The petitioners also preferred another appeal being FAO No. 6760/2010 dismissing its Section 34 application which was for enhancement of the amount.

5. By the impugned judgment and order, the High Court has set aside the order passed by the first appellate court setting aside the Award and consequently has allowed FAO No. 4558/2009. However, without deciding the FAO No. 6760/2010 the High Court has also allowed the said appeal, however, without deciding the said appeal on merits and granting any further relief. It appears that there seems to be some error on the part of the High Court in not

deciding the FAO No. 6760/2010 on merits.

6. In that view of the matter, we deem it proper to relegate the petitioners to file a review application before the High Court and point out the aforesaid error and to review the order and thereafter to decide the FAO No. 6760/2010 on merits.

7. If such a review application is filed within a period of four weeks from today, the same shall be entertained and decided and disposed of on merits without raising the dispute with respect to limitation.

8. With this, the present Special Leave Petition stands disposed of.

9. In case, the decision in review application is against the petitioners, it is always open to the petitioners to take recourse to law.

(R. NATARAJAN)  
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)  
BRANCH OFFICER