

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). 14128-14129/2017

[Arising out of impugned final judgment and order dated 21-04-2016 in FAO No. 6121/2015 29-11-2016 in RA No. 140/2016 29-11-2016 in FAO No. 6121/2015 passed by the High Court of Punjab & Haryana at Chandigarh]

PUNJAB AGRO FOOD GRAIN CORPORATION LTD. AND ANR. Petitioner(s)

VERSUS

GARG RICE MILLS THROUGH ITS PROPRIETOR SH. BARINDER KUMAR(DEAD)
THROUGH LRS. Respondent(s)

Date : 17-07-2026 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE VIJAY BISHNOI

For Petitioner(s) Mr. Venkateswara Rao Anumolu, AOR
Mr. Sushil Tekriwal, Adv.
Dr. Mamta Tekriwal, Adv.

For Respondent(s)

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

1. Heard learned counsel for the petitioner(s).
2. Through these petition(s), the petitioner(s) seek leave to appeal against the order of the High Court¹ dated 29.11.2016 in Review Application No. 140-CII-2016 (O&M) in FAO No. 6121 of 2015.

1 High Court of Punjab and Haryana at Chandigarh

3. An Arbitral Award was passed in favour of the petitioner(s). Objections to the award, under Section 34 of the Arbitration and Conciliation Act, 1996², were filed by the respondent(s). Those objections were rejected *vide* order dated 22.12.2014.

4. Aggrieved by rejection of their objections, an appeal under Section 37 of the 1996 Act was preferred before the High Court. The High Court, upon finding that the Award was a non-speaking Award, allowed the appeal and set aside the Award while observing that parties would have liberty to resort to the provisions of Section 11(6) of the 1996 Act for appointment of a fresh arbitrator. However, at that stage, the High Court deemed it appropriate to itself appoint Justice Satish Kumar Mittal, former Chief Justice of the Rajasthan High Court, as an Arbitrator. However, Justice Mittal expressed his inability to continue with the arbitration on account of his appointment as Lokayukta.

5. At that stage, the petitioner(s) filed a review application seeking recall of the order

dated 21.04.2016 and dismissal of the appeal.

6. By the impugned order dated 29.11.2016, the earlier order dated 21.04.2016 was recalled and the appeal was decided on merits and the Award was set aside, *inter alia*, for the same reason i.e., lacking reasons.

7. The grievance of the petitioner(s) is that if the Award is set aside on grounds that it lacks reasons, the claim is not decided on merits, and therefore, fresh arbitration proceedings can be undertaken. However, since the High Court has not given any such liberty, the petitioner(s) would suffer irreparable loss.

8. In our view, as the Award has been set aside for want of reasons, *prima facie*, the petitioner(s) are at liberty to invoke the provisions of Section 11(6) of the 1996 Act for appointment of an arbitrator. In such view of the matter, we decline to entertain these special leave petition(s).

9. However, since we notice that by order dated 28.04.2017, this Court, while issuing notice on the special leave petition(s), had stayed the operation of the impugned order, we deem it

appropriate to observe that if the petitioner(s) apply under sub-Section (6) of Section 11 of the 1996 Act for appointment of an arbitrator, the said application shall not be dismissed on ground of limitation provided it is submitted within a period of two months from today.

10. With the aforesaid observations/liberty, these Special Leave Petition(s) are disposed of.

11. Pending application(s), if any, shall also stand disposed of.

(CHETAN ARORA)
ASTT. REGISTRAR-cum-PS

(SAPNA BANSAL)
COURT MASTER (NSH)