

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1225 OF 2015  
(ARISING OUT OF SLP(C) NO.9710/2014)

M/S LAKSHMI ENERGY & FOODS LTD.(LEAF) Appellant(s)

VERSUS

PUNJAB STATE GRAIN PROCUREMENT CORP.LTD Respondent(s)

O R D E R

Leave granted.

Heard Mr. C.A. Sundaram, learned senior counsel  
appearing for the appellant.

In fact the order of the Registrar dated  
11.12.2014 discloses that the respondent failed to file  
the counter affidavit in time. Today, there is no  
representation for the respondent. The grievance of the  
appellant is that, at the instance of the respondent an  
Arbitrator was initially appointed, before whom the  
appellant contended that there is no clause in the  
Agreement for appointment of an Arbitrator, which was  
sustained by the Arbitrator by his order dated 3.6.2013.

However, at the instance of the respondent,  
without informing the appellant, the Second Arbitrator  
stated to have been appointed and that the Second  
Arbitrator by his order dated 7.1.2014 rejected the

appellant's stand that there was no Clause in the Agreement. It is also grievance of the appellant that the earlier order passed by the First Arbitrator dated 3.6.2013, by which the stand of the appellant was sustained was ignored by the Second Arbitrator. It is as against the said order of the Second Arbitrator dated 7.1.2014, when the appellant moved the High Court by way of a revision, the High Court by a one line order declined to grant stay by rejecting the appellant's interim application in CM NO.4520-CH-2014 in CR No.384 of 2014.

As the revision is still pending, having regard to the nature of the grievance expressed by the appellant, in all fairness, the High Court should have examined the said interim application by considering the points raised for passing any order either to grant or not to grant interim relief to the appellant.

In such circumstances, since the impugned order is a non-speaking order and as we are convinced that the grievances of the appellant are prima facie justified, we are constrained to set aside the impugned order, grant stay of the proceedings of the pending arbitration proceedings until the revision before the High Court is disposed of.

The order of the Second Arbitrator dated 7.1.2014 shall also remain stayed, pending disposal of the revision application.

With the above observations and directions the  
appeal stands disposed of.

.....J.  
[FAKKIR MOHAMED IBRAHIM KALIFULLA]

.....J.  
[ABHAY MANOHAR SAPRE]

NEW DELHI;  
JANUARY 27, 2015.

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). 9710/2014

(Arising out of impugned final judgment and order dated 11/03/2014 in CM No. 4520/2014 in CR No. 384/2014 passed by the High Court of Punjab & Haryana at Chandigarh)

M/S LAKSHMI ENERGY & FOODS LTD.(LEAF)

Petitioner(s)

VERSUS

PUNJAB STATE GRAIN PROCUREMENT CORP.LTD

Respondent(s)

(with interim relief and office report)

Date : 27/01/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA  
HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Petitioner(s)    Mr. C.A. Sundaram, Sr. Adv.  
                              Mr. K.K. Khurana, Adv.  
                              Mr. A.K. Mehta, Adv.  
                              Mr. Yash Pal Dhingra, Adv.

For Respondent(s)    Mr. Umang Shankar, Adv. (Not Present)

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

Leave granted.

The appeal stands disposed of in terms of the signed order.

(NARENDRA PRASAD)  
COURT MASTER

(SHARDA KAPOOR)  
COURT MASTER

(Signed order is placed on the file)