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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-6577-2025(O&M)
Date of Decision:22.09.2025

STATE OF HARYANA AND ANOTHER

....Appellants(s)

Versus

BHESHA NAND SINGH AND OTHERS

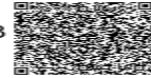
.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Udit Garg, Additional Advocate General, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. After arguing for some time, Mr. Udit Garg, learned Additional Advocate General, Haryana has submitted that it is a case where the learned Arbitral Tribunal by way of Procedural Order No.1 directed that the fee shall be paid by the parties as per Schedule IV of the Arbitration and Conciliation Act, 1996, whereas in fact there was a clause regarding fixing of the fee of the Arbitral Tribunal to the contrary in the agreement itself and therefore, in view of the law laid down by Hon'ble Supreme Court in *Oil & Natural Gas Corporation Limited Versus AFCONS Gunanusa(JV)*, **2024(4) SCC 481** wherein it was held that in case there is an agreement to the contrary, then Schedule IV for fixing the fee shall not apply. He submitted that by way of an order passed on 09.04.2025, even the application for revision of the aforesaid Procedural Order No.1 was dismissed. He submitted that inadvertently the law laid down by the Hon'ble



Supreme Court as aforesaid was not brought to the notice of the Arbitral Tribunal and he may be permitted to withdraw the present petition with a liberty to move an appropriate application before the Arbitral Tribunal for apprising the learned Arbitral Tribunal with regard to the settled law by citing the aforesaid judgment and any other law which may be applicable to the present case.

2. The prayer made by the learned Additional Advocate General, Haryana is accepted.

3. The present petition is dismissed as withdrawn. Liberty is granted to the petitioner to move an appropriate application before the learned Arbitral Tribunal by citing the law laid down by Hon'ble Supreme Court as aforesaid.

22.09.2025

(JASGURPREET SINGH PURI)

rakesh

JUDGE

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