

2025:PHHC:041265-DB



LPA-567-2025 (O&amp;M)

Date of Decision: 26.03.2025

M/s Rajlakshmi Rice Mill

...Appellant

V.

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA  
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. Robin Dutt, Advocate for the appellant.

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**SANJEEV PRAKASH SHARMA, J. (Oral)**

1. The challenge is to the order passed by the learned Single Judge dated 03.02.2025, whereby the learned Single Judge has after relying on the provisions of Clause 25 of the agreement entered into between the parties, concluded that the issue can be taken up by invoking the provisions of the Arbitration and Conciliation Act, 1996.

2. Learned counsel submits that the attachment orders passed by the respondent/State is wholly illegal and the same have to be examined independently under the arbitration clause.

3. We find that the essential dispute between the parties as has come on record is that both the parties are claiming certain amounts from each other relating to the agreement of converting paddy into rice. The remedy available is amenable to the arbitration in terms of Clause 25 of the agreement and the other remedy as available is under the Arbitration and Conciliation Act, 1996, which the petitioner could have invoked for the

purpose of actions taken by the respondents relating to attachment of the property. The appellant has, however, not availed the said remedy and on his sweet will and though appropriate to initiate proceedings by invoking jurisdiction under Article 226 of the Constitution of India which in our opinion, was ill-advised.

4. The judgment passed by the Hon'ble Apex Court in **State of UP vs. Bridge & Roof Co. (India) Ltd. 1996 AIR Supreme Court 3515** has been considered by the learned Single Judge while passing the impugned judgment. We also notice that even recently same view has been taken by the Hon'ble Apex Court in the case of **M/s South Indian Bank Ltd. and others vs. Naveen Mathew Philip and another**, 2023 INSC 379.

5. In view thereto, we do not find any reason to interfere with the order passed by the learned Single Judge. Accordingly, the appeal is dismissed leaving it open to the appellant to avail remedies in terms of the Arbitration and Conciliation Act, 1996.

6. All pending misc. application(s) also stand disposed of.

**(SANJEEV PRAKASH SHARMA)**  
**JUDGE**

**(MEENAKSHI I. MEHTA)**  
**JUDGE**

26.03.2025

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1. Whether speaking/reasoned? : Yes/No  
2. Whether reportable? : Yes/No