
(2004) 09 P&H CK 0040
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 928 of 1984

Food Corporation of India

APPELLANT

Vs

Sarwan Dass

RESPONDENT

Date of Decision : 22-09-2004

Acts Referred:

Arbitration Act, 1940 — Section 20
Civil Procedure Code, 1908 (CPC) — Section 115

Citation : (2005) 139 PLR 487 : (2005) 1 RCR(Civil) 73

Hon'ble Judges : Kiran Anand Lall, J

Bench : Single Bench

Advocate : Rajesh Garg, for the Appellant; G.S. Punia, for the Respondent

Final Decision : Dismissed

Judgement

Kiran Anand Lall, J.—This revision is directed against the order dated 10.9.1983 vide which the appeal filed by the petitioner-Food Corporation of India (to be referred as "the Corporation") against the order dated 24.7.1981 of the Trial Court, was dismissed by the appellate Court.

2. The Corporation, through its District Manager, filed an application u/s 20 of the Arbitration Act, 1940 (for short "the Act"), which was dismissed by the trial court, holding that (i) the matter in dispute was not liable to be referred to arbitration and (ii) the District Manager was not a competent person to sue on behalf of the Corporation. The appellate court, however, did not agree with the trial court on the first point and reversed the finding with regard thereto but upheld the finding with regard to the District Manager being not a competent person to sue on behalf of the Corporation, and affirmed the order of the trial Court. The Corporation, thereafter, filed this revision, challenging dismissal of their appeal by the appellate court.

3. After having heard both sides, I do not find any reason to differ with the verdict of the appellate court. Admittedly, it is the District Manager of the

Corporation (Om Parkash, who had filed the application u/s 20 of the Act and also the appeal against the order dated 24.7.1981 of the trial court. Learned counsel for the respondent referred to Food Corporation of India Vs. Baldev Kaur and Others, , wherein it was clearly held by this Court that District Manager, Food Corporation of India, is not competent to conduct suit on behalf of the Corporation. No judgment holding a contrary view could be cited by the learned counsel for the petitioner. The latter, however, referred to notification bearing F. No. 10 (1)/80-BC S.O. 1/80 dated the 10th June, 1980, issued by the Food Corporation of India, Head Office, New Delhi, approving the delegation of powers to offices of the Corporation at different levels. Whatever be the contents of this document, it is of no use to the Corporation, since it had come into existence much after the filing of the application u/s 20 of the Act. It purports to have been issued on 10.6.1980, whereas the application u/s 20 of the Act had been filed about a year prior thereto viz. on 15.6.1979. There is also no document on the file indicating that the acts done by the District Manager, starting from the filing of application u/s 20 of the Act, were ever even ratified by the Board of Directors of the Corporation, at any stage. Learned counsel for the respondent was, in fact, doubtful even about the genuineness of the said, document dated 10.6.1980. Even otherwise, this document, at the most, authorised the District Manager to sign pleadings, etc. but did not empower him to initiate proceedings in a court of law by filing a suit or application on behalf of the Corporation.

4. From the above discussed facts and legal position, it is clear that District Manager was not competent to file application u/s 20 of the Act, on behalf of the Corporation or to file appeal against the order of the trial Court dismissing that application. The view taken by the learned Additional District Judge in this regard is clearly as per the law and nothing wrong can be found with that.

5. Resultantly, the petition shall stand dismissed, as being without any merit.