

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.6640 of 2015(O&M)
Date of decision: 07.10.2015

Punjab State Civil Supplies Corporation Limited and another
... Petitioners

Versus

Gurmukh Singh Rice & General Mills
... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Aman Chaudhary, Advocate, for the petitioners.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

ARUN PALLI J. (Oral)

Vide order being assailed, dated 08.04.2015, rendered by District Judge, Gurdaspur, the objections submitted by the respondent/judgment-debtor had since been accepted and the execution petition was dismissed being fully satisfied.

In the objections filed by the respondent/judgment-debtor, it was maintained that the milled rice were to be delivered by 30.06.1996. However, the petitioners/decreed-holders, vide its letter dated 28.08.1996, extended this period upto 31.08.1996. Therefore, interest on the delayed delivery of rice was to be calculated w.e.f. 01.09.1996 and not from 01.07.1996.

In response, it was pleaded, inter alia, that an objection as regards the interest on the late delivery of rice was raised by the respondent/judgment-debtor before the Arbitrator as also in his objections filed under Section 34 of the Arbitration & Conciliation Act, 1996. Therefore, no such objection could be entertained at this stage and the court could not go behind the decree to examine the same.

On a consideration of the matter in issue, the executing court concluded as thus:

“3. I have considered the rival contentions of the parties. Genuineness of the letter dated 28.08.1996 vide which milling period was extended up to 31.08.1996, issued by the decree holders, has not been disputed. Dismissal of the objection petition filed under Section 34 of the Arbitration and Conciliation Act filed by the JD has no bearing on the objection under consideration because no such objection was raised in that objection petition. Even in para no.2 of the award at page 12, learned Arbitrator has referred to the extended period and delayed period etc., which shows that period to supply rice was extended, although no specific date has been mentioned till then it was extended. Therefore, from the letter dated 28.08.1996 it is evident that period to supply milled rice was extended up to 31.08.1996. When decree holders themselves have extended the period for the supply of milled rice up to 31.08.1996, then they cannot claim interest on the delayed delivery of rice from 01.07.1996. Therefore, objection raised by the JD to the effect that decree holders can claim interest

on the delayed supply of rice from 01.09.1996 only in the light of letter dated 28.08.1996, stands accepted.

4. It has been fairly conceded by the learned counsel for the decree holder that if interest is calculated from 01.09.1996, then nothing remains due towards the JD.

5. In view of the above discussion, the execution stands dismissed being fully satisfied. File be consigned to the Record Room.”

Concededly, veracity of the letter dated 28.08.1996, vide which the period to supply the milled rice was extended upto 31.08.1996, issued by the decree-holders is not disputed. Once, the petitioners/decreed-holders had themselves extended the period to supply the milled rice upto 31.08.1996, interest on the delayed payment could only be awarded w.e.f. 01.09.1996. There is no dispute that if the interest is calculated w.e.f. 01.09.1996, then, nothing remains due towards the petitioners/decreed-holders.

That being so, no interference is warranted in exercise of revisional jurisdiction, under Article 227 of the Constitution of India. Petition being devoid of merit is accordingly dismissed.

October 7, 2015
Rajan

(Arun Palli)
Judge