

**IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH**

Civil Revision No.692 of 2015  
Date of decision: 29.1.2015

M/s Shree Guru Dev Amrit Rice Mills

....Petitioner

Versus

The Punjab State Co-operative Supply & Marketing Federation Ltd. and others

...Respondents

**CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA**

Present: Mr. Inderjeet Sharma, Advocate for the petitioner.

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**G.S.Sandhawalia J.(Oral)**

Challenge in the present revision petition filed is to the order dated 17.12.2014 (Annexure P/3) whereby the Addl. District Judge, Ludhiana has allowed the application under Section 9 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as "the Act") filed by the respondent-Corporation for grant of interim custody of balance paddy/rice lying in the mill of the petitioner and has permitted the Corporation to take the custody of the same and to sell the same through a committee consisting of District Manager, Sr. Accounts Officer, Technical Officer and SDM or his representative and representative of MARKFED have also been directed to be associated. The proceeds of the sale were to be informed to the Court for debiting the same from the award amount along with entire record of the process of sale including calling of tenders and expenses of bid.

It is apparent that an award dated 31.12.2012 (Annexure P/1) was passed against the petitioner on account of short delivery of rice to extent of 8262.98 qtls. and they were held liable to pay ₹ 1,72,15,827/- as on 31.03.2012 along with interest @ 12% from 1.4.2012 till the date of payment. A perusal of the award would go on to show that the petitioners were well aware and absented without any sufficient cause. Even in the proceedings under Section 9

of the Act, notice was issued to the petitioners and they came present initially but had not appeared later on and the interim direction had been granted by the Addl. District Judge, Ludhiana. The paddy pertained to the year 2010-11 and the Addl. District Judge, Ludhiana has rightly directed that the said paddy/rice be sold to save it from further deterioration. It is apparent that the petitioners are avoiding appearance firstly before the Arbitrator and secondly before the Court which had issued notices under Section 9. In such circumstances, interim relief which had been granted to protect the food grains by the Court below is well justified and does not require interference by this Court.

Accordingly, the present revision petition is dismissed.

29.1.2015  
Pka

(G.S.SANDHAWALIA)  
JUDGE