

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.3755 of 2007

Date of Decision.10.02.2015

M/s Bansal Rice Factory

.....Petitioner

Versus

The Managing Director, Markfed and another

.....Respondents

Present: Mr. Kukand Gupta, Advocate
for the petitioner.

Ms. Deepali Puri, Advocate
for the respondents.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J. (ORAL)

1. The petitioner seeks for refund of the earnest money deposited to the tune of ₹ 5.90 lacs for participating in the tender for the year 1999-2000. The petitioner was successful in the tender application and when he had made a demand, the refund was denied through the impugned order dated 26/28.12.2006 stating that it was liable for adjustment against pending stocks of 1750 bags lifted by the petitioner from B.O. Tapa during the crop year 1997-98. The petitioner's contention is that with reference to the alleged pending stocks for the crop year 1997-98, there was an adjudication before the Arbitrator and the respondent's claim had been denied. It was sought to be challenged before the Civil Court in proceedings under Section 34 of the Arbitration and Conciliation Act where also the respondent had lost.

They are claiming that they had preferred appeal but till now there is no order allowing for recovery for alleged pending stocks for the year 1997-98.

2. If there is not existing decree or enforceable order for alleged pending stocks for the crop year 1997-98, the question of withholding the security deposit made for participating in the tender for subsequent years 1999-2000 cannot be justified at all. I find the impugned order to be wholly untenable and I quash the same. I direct the refund of the amount with interest @12% in favour of the petitioner from the date when the amount was deposited till the date of payment. The payment shall be done within a period of four weeks from the date of receipt of copy of this order.

3. The writ petition is disposed of.

(K. KANNAN)
JUDGE

February 10, 2015
Pankaj*