

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

CR No. 6365 of 2014 (O&M)
Date of Decision: March 11, 2016

M/s Sanmati Rice (P) Ltd. and others

...Petitioners

Versus

Food Corporation of India and another

...Respondents

ORAM:- HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Ajay Jain, Advocate,
for the petitioners.

Mr. Vaibhav Gupta, Advocate, for
Mr. KK Gupta, advocate
for the respondents.

K. KANNAN, J. (Oral)

1. The revision is against the order passed by the executing court while enforcing the award of the Arbitrator. The contention taken by the judgment debtors was that in respect of yet another contract, which is not subject of arbitral reference, the petitioners had submitted a tender and deposited ₹2 lakhs which was not accepted. They had already made a demand for return of ₹2 lakhs but they did not comply with the same. The said amount of ₹2 lakhs was claimed by the judgment debtors to be adjusted against the amount claimed by the FCI.

2. There can be no adjustment with reference to an amount which is not an amount assured under a decree or under an award. A disputed claim for refund of ₹2 lakhs cannot be sought for attachment in enforcement of an award passed before the Arbitrator. If at all, there was a scope for

adjustment, it could have been pressed before the Arbitrator before the award was passed and cannot be pressed post facto the arbitral award.

3. The order passed rejecting the objections given by the judgment debtors was justified and there is no scope for interference in revision. However, the petitioners will have an independent right to press for their alleged right to claim back ₹2 lakhs said to have been given to the FCI in respect of yet another contract through independent proceedings, if so advised and if competent.

March 11, 2016
prem

(K.KANNAN)
JUDGE