

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

**CR-5483-2015 (O&M)**

**Date of decision : 23.3.2018**

**The Punjab State Civil Supplies Corporation Ltd.,  
Chandigarh through its Additional Manager  
and another**

**..... Petitioners**

**Versus**

**M/s Hari Om Rice Mills**

**..... Respondent**

**CORAM : HON'BLE MR. JUSTICE KULDIP SINGH**

Present:- Mr. Nitin Kaushal, Advocate for the petitioners.

Mr. G.S. Sidhu, Advocate for  
Mr. Parvez Chug, Advocate for respondent.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

**KULDIP SINGH J. (ORAL)**

Impugned in the present revision petition is the order dated 4.10.2014 (Annexure P-1), passed by learned Additional District Judge-III, Ferozepur, vide which the execution petition filed by the present petitioner was dismissed as fully satisfied.

The short background of the case is that an Arbitral award dated 9.12.2002 was passed for Rs. 7,42,895/- in favour of Punjab State civil Supplies Corporation Ltd. along with bank interest w.e.f. 1.7.1995. When the execution was filed, the Executing Court vide its order dated 7.5.2014, (Annexure P-4) directed the judgment debtors to deposit an amount of Rs. 7,42,895 along with interest @ 15 % per annum compoundable with yearly rests w.e.f. 1.7.1995. In addition to it, judgment

debtors were directed to pay an amount of Rs. 100/- per day from today, till the award is satisfied.

Against the said order, judgment debtors preferred an appeal i.e. FAO-341-2008, titled as M/s Hari Om Rice Mills versus The Punjab State Civil Supplies Corporation Limited and others before this Court. This Court vide order dated 21.9.2010 (Annexure P-2) dismissed the said appeal noticing that the amount of Rs. 7,42,895/- is still payable along with interest as admissible from time to time w.e.f. 1.7.1995 till payment. It was further held that award can be challenged under Section 34 of the Arbitration and Conciliation Act, 1996. Consequently, the appeal was dismissed. Thereafter, judgment debtors approached this Court by filing Civil Revision No. 3989 of 2014, titled as M/s Hari Om Rice Mills versus Punjab State Civil Supplies Corporation Limited and another, which was disposed of vide order dated 30.5.2014 (Annexure P-5). Learned counsel for respondent-judgment debtors has informed the Court that respondent will pay the amount of the award along with interest and will make an application for settling the matter before the Mediation and Conciliation Centre before the Executing Court. Petition was disposed of with the direction to the Executing Court that if such application is filed before the Executing Court, the same shall be decided within one week from its filing.

This is how the matter again came up before the Executing Court. Admittedly, the amount of Rs. 7,42,895/- along with interest @ 9% per annum has been paid. The report of the Mediation and Conciliation Centre was also called for. Before the Executing Court, decree holder-petitioner claimed interest @ 15% per annum but considering the order of

this Court and list of interest provided by All Banking Solution. Com reveal that interest of 1995 had reduced from 11% to 9% till 28.1.2014 and then it was reduced to 6% during the period from 29.4.2013. Consequently, it was held that execution is satisfied.

I am of the view that duty of the Executing Court is to execute the award faithfully. In the award, interest at Bank rate was to be paid. The mere information provided by All Banking Solution. Com may or may not be reliable.

In the circumstances, it is required that the Executing Court should determine what was the actual rate of interest for the particular period from 1.7.1995 onwards and accordingly, calculate the interest at Bank rate of interest as applicable for a particular period which may be increasing or decreasing from time to time and then determine what amount of interest is payable and thereafter decide as to whether the said interest as per the Bank rate of interest have been paid or not?

As such, present revision petition is allowed to the above noted extent and the matter is remanded back to the Executing Court to calculate the Bank rate of interest as observed above and decide as to whether the entire interest has been paid in terms of the award or not?

Both parties are directed to appear before the Executing Court on 24.4.2018.

Needless to say that monthly/quarterly, the annual rests which are usually allowed along with interest have to be looked into by the Executing Court.

Since the main petition has been allowed, the miscellaneous application pending, if any, stands disposed of.

23.3.2018

*preeti*

(KULDIP SINGH)  
JUDGE

|                             |     |
|-----------------------------|-----|
| Whether speaking / reasoned | Yes |
| Whether Reportable:         | No  |