

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

Civil Revision No.7832 of 2016 (O&M)

Date of decision: May 15, 2018

M/s Akbarpur Rice Mills

...Petitioner

Versus

Punjab State Cooperative Supply and Marketing Federation Ltd. and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sunny K. Singla, Advocate
for the petitioner.

Mr.Sumit Jain, Advocate
for respondent No.1.

Mr.Ishan Gupta, Advocate
for respondent No.2 (i) and (ii).

INDERJIT SINGH, J.

Petitioner M/s Akbarpur Rice Mills has filed this revision petition against The Punjab State Cooperative Supply & Marketing Federation Limited and other respondents under Article 227 of the Constitution of India for setting aside the order dated 16.09.2016 passed by learned Addl. District Judge, Sangrur and for deciding the objection petition under Section 34 read with Section 16(6) of the Arbitration and Conciliation Act, 1996 (for brevity 'the Act) and for staying the implementation the impugned order (Annexure P-6) and further proceedings in execution proceedings till the pendency of present revision petition.

Notice of motion was issued. Learned counsel for the

respondents appeared and contested the petition.

I have heard learned counsel for the parties and have gone through the record.

Admittedly, the objection petition filed by the present petitioner under Section 34 read with Section 16(6) of the Act is pending before the Court. Rather, prayer in the present petition has also been made for expeditious disposal of the objection petition. Admittedly, the application was filed under provisions of Section 36 of the Act before amendment before the amendment of this Act, Section 36 of the Act provides as under:-

36. Enforcement:-Where the time for making an application to set aside the arbitral award under section 34 has expired, or such application having been made, it has been refused, the award shall be enforced under the Code of Civil Procedure, 1908 (5 of 1908) in the same manner as if it were a decree of the Court.

The perusal of the provisions of Section 36 of the above-said Act shows that till the expiry of limitation period or till the disposal of objection petition, if filed, Award cannot be executed or enforced. Learned counsel for the respondent argued that objection petition is time barred. Whether the objection petition is time barred or objections already filed by other partners have already been dismissed or the objection petition is not maintainable, all these facts cannot be decided by the Executing Court but by the Court where objection petition is pending under Section 34 of the said Act. Therefore, till the decision of the objection petition under Section 34 of the Act filed by the petition, the execution proceedings for enforcement of the Award are to be stayed.

Therefore, finding merit in the present petition, the same is

allowed. The proceedings are stayed till the decision of the objection petition, which is pending under Section 34 of the Act.

However, as the objection petition is pending before the Court since long and decree holder is suffering a lot as Award, which is more than of ₹1 crore, could not be got enforced, therefore, learned lower Court is directed to decide the objection petition expeditiously preferably within two months from the next date fixed, by giving short adjournments and if necessary, even day-to-day proceedings be conducted in the objection petition. Learned Court below, where objection petition is pending, is further directed to send the report after two months from the next date fixed, regarding the status of the objection petition.

May 15, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No