

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

**CWP No. 22588 of 2014 (O&M)
Date of decision : 15.10.2018**

Shree Durga Rice and General Mills

...Petitioner

versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Arjun Pratap Atma Ram, Advocate
for the petitioner.

Ms.Ambika Sood, DAG, Punjab

Mr. C.S. Bakshi, Advocate
for respondent No. 6.

RITU BAHRI, J. (Oral)

The present petition has been filed under Article 226/227 of the Constitution of India for issuance of writ in the nature of certiorari for quashing order of attachment (Annexure P-5) whereby land and machinery of Sheller and residential house was ordered to be attached in the account of PUNGRAIN, as 123 wagons of rice were outstanding from the petitioner. The price of these wagons of rice comes to about Rupees Seven Crore Fifty Lacs.

This Court vide order dated 13.11.2014 had stayed the order of attachment (Annexure P-5), as the State has not filed any reply inspite of directions given to the State Counsel to elicit information about how it was competent for the State to cause an attachment without any orders of the Court or without any statutory authority.

During the pendency of the writ, respondent No. 6 has filed an application bearing C.M NO. 9294-2017 for vacation of interim order dated 13.11.2014 on the ground that the respondent No. 6-Corporation invoked the arbitration clause and two awards dated 31.05.2016 were passed in favour of respondent No. 6 (Annexure R6/B and R6/C). Thereafter, respondent No. 6 filed execution proceedings in the Court of learned Additional District Judge, Ludhiana. Pursuant to warrants of attachment, the Court appointed a bailiff who has tendered the report (Annexure R-6/D) to the effect that there exists a stay order passed in the present case.

Learned counsel for the petitioner has informed the Court that petitioner has filed his objection under Section 34 of the Arbitration and Conciliation Act before learned Additional District Judge, Ludhiana in Arbitration Case No.3057-2017 and 3058-2017. Arbitration Case No. 3057-2017 is pending for today i.e 15.10.2018 and Arbitration Case No. 3058-2017 is pending for 20.11.2018.

Heard learned counsel for the parties.

In the present case, since arbitration proceedings have attained finality and the objections of the petitioner are pending under Section 34 the Arbitration and Conciliation Act.

In view of the above factual position, this petition at this stage is being disposed of with a liberty to the petitioner to raise all his pleas on the application for stay of execution filed by him in objection against the awards (Annexure R6/B and R6/C). It is further clarified that till the final orders on the said application is not being passed, the petitioner will not alienate the land and machinery of Sheller and residential house, as ordered in Annexure

(Annexure R6/B and R6/C) till the final orders on the application filed by the petitioner.

Parties are directed to appear before the learned Additional District Judge, Ludhiana on 30.10.2018 and thereafter, the learned Additional District Judge, Ludhiana shall pass the final order in the next four weeks, on the application filed by the petitioner.

(RITU BAHRI)
JUDGE

15.10.2018
G Arora