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

**CR No. 3714 of 2018 (O&M)
Date of decision: 18th April, 2023**

M/s Pooja Rice & General Mills and others
Petitioners

Versus

Punjab State Co-operative Supply and Marketing Federation Ltd.
Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Arvind Galav, Advocate for the petitioners
Ms. Reeta Kohli, Senior Advocate with Ms. Vandana Kohli, Advocate for the respondent.

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AVNEESH JHINGAN, J (Oral):

1. This revision petition is filed seeking quashing of order dated 30.11.2017 dismissing the objections filed by the petitioners under Order XXI Rule 66 of the Code of Civil Procedure.

2. The relevant facts are that Punjab State Co-operative Supply and Marketing Federation (hereinafter referred to as 'Markfed') entered into an agreement with M/s Pooja Rice & General Mills, village Galwadi Amloh Road, Khanna, District Ludhiana for shelling the paddy for the crop year 2012-13. As per Clause 27 of the agreement dated 30.12.2012, the arbitration proceedings were initiated at the instance of Markfed. The proceedings culminated in award dated 22.1.2016 and Markfed was held entitled to recover Rs.1,53,69,894/- along with interest @ 13% per annum

w.e.f. 15.2.2014 till the date of realization.

3. M/s Pooja Rice & General Mills was a partnership firm and Ashav Sofat, Yogesh Sofat and Prem Lata partners were respondents in the arbitration proceedings. Markfed filed an execution petition on 13.9.2016 along with an application for attachment of immovable properties of the firm and its partners. The petitioners filed objections in execution proceedings which were dismissed on 30.11.2017, hence the present petition.

4. Learned counsel for the petitioners submits that properties worth rupees ten crores were attached, whereas the due amount was Rs.1,53,000/- approximately along with interest. He further submits that the petitioners are ready to deposit the decreed amount in case part of the properties are released.

5. Learned senior counsel for the respondent opposes the petition and submits that till date not even a single penny has been paid. She further submits that one time settlement was not adhered to by the petitioners.

6. The entire case built up is that the petitioners are ready to pay the amount awarded by the arbitrator provided their properties are released. No such prayer was made in the execution proceedings. The objection taken before the executing court was that for recovering the awarded amount, the properties of the partners cannot be attached, there is no legal basis for this argument. It is not disputed that petitioners No. 2 to 4 (in this petition) were respondents in the arbitration proceedings and they are partners in M/s Pooja Rice and General Mills. The fact remains that since

passing of the award dated 22.1.2016, for more than seven years not a penny has been paid by the petitioners.

7. No interference is called for in the impugned order.

8. The petition is dismissed.

9. However, the petitioners would be at liberty to raise all the pleas before the executing court and making a request to Markfed for settlement of the issue by *prima facie* establishing their *bona fide.*

10. Since the main petition has been dismissed, pending application(s), if any, is rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

18th April, 2023
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1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No