

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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CR No. 7594-2018 (O&M)  
Date of decision: 10<sup>th</sup> May, 2023

Food Corporation of India

Versus

.....Petitioner

Shri Vardhman Rice Industries Pvt. Ltd.

...Respondent

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. K.K. Gupta, Advocate for the petitioner.

Mr. Abhishek, Advocate for the respondent.

**AVNEESH JHINGAN, J (Oral):**

1. This revision petition is filed challenging order dated 23.10.2010 passed by Additional District Judge, Panipat.

2. The facts giving rise to the present petition are that the petitioner entered into custom rice milling agreement with Shri Vardhman Rice Industries Pvt. Ltd. The terms and conditions provided for dispute resolution through arbitration. The arbitration initiated at the instance of the petitioner culminated in award dated 3.4.2001. As per the award, the petitioner was held entitled to recover Rs.1,10,92,247/- along with *pendente lite* and future interest. The award was passed against M/s. Vardhman Rice Industry Pvt. Ltd. In the execution proceedings, the issue arose up that the award was against M/s. Vardhman Rice Industry Private Limited whereas the properties were sought to be attached of M/s. Shree Vardhman Rice & General Mills, Panipat-a partnership firm. On failure of

the petitioner to provide list of properties, the execution petition was dismissed for want of prosecution. Hence, the present petition was filed.

3. From the perusal of the pleadings, it is forthcoming that agreement of petitioner was with Shri Vardhman Rice Industries Pvt. Ltd. whereas in title of the award miller is mentioned as M/s. Vardhman Rice Industry Pvt. Ltd. Moreover, in the order dated 23.10.2010, the Executing Court rightly took note of the fact that for recovery of the awarded amount, the land of another entity i.e. M/s. Shree Vardhman Rice & General Mills, Panipat cannot be attached. The agreement was with Shri Vardhman Rice Industries Pvt. Ltd. and the award was against M/s. Vardhman Rice Industry Pvt. Ltd. whereas land is sought to be attached of a firm.

4. Learned counsel for the petitioner at this stage is not pressing the petition and seeks liberty to avail remedies in accordance with law including to approach the Executing Court and also under Section 33 of the Arbitration and Conciliation Act, 1996.

5. Dismissed as not pressed with liberty as prayed for.

6. Since the main case has been dismissed as not pressed, the pending application(s), if any is rendered infructuous.

**[AVNEESH JHINGAN]**  
**JUDGE**

**10<sup>th</sup> May, 2023**  
*anuradha*

|                               |   |          |
|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable         | : | Yes / No |