

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Civil Revision No. 3989 of 2022 (O&M)

Date of decision: 23rd March, 2023

Haryana State Warehousing Corporation

Petitioner

Versus

Ram Avtar Gupta and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Madhu Dayal, Advocate for the petitioner.
 Mr. Nikhil Handu, Advocate for
 Mr. Amit Gupta, Advocate for respondent No. 1.

AVNEESH JHINGAN, J (Oral):

This revision petition is filed aggrieved of order dated 2.9.2022 directing the petitioner to furnish bank guarantee for securing the amount awarded.

The brief facts are that the dispute between the parties was referred for arbitration and the proceedings culminated in award dated 16.12.2021. Respondent No.1 was awarded a sum of Rs.12,20,10,226/- along with interest @ 14% in case the payment is made within ninety days and @ 18% if paid thereafter. During the pendency of objections filed by the petitioner under Section 34 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act'), the court concerned directed the petitioner to furnish bank guarantee for the amount awarded, hence the present petition.

Leaned counsel for the petitioner on instructions from

Ms. Rachna Sharma, Legal Assistant in the office of Haryana State Warehousing Corporation submits that the petitioner is a statutory corporation and furnishing of bank guarantee would affect its day to day working. Submission is that to secure the amount the petitioner shall deposit the original title deeds of the immoveable property situated at SWH, Tauru, District Nuh, having value of more than Rs.13,00,00,000/- which is free from all encumbrances. It is further submitted that in case of failure of the petitioner in objections under Section 34 of the Act and in the eventuality of not able to get the stay within 120 days of the passing of the order, the amount so awarded would be deposited with the executing court in the form of FDR of a nationalised bank.

Learned counsel for the respondent on instructions accepts the proposal made by the petitioner.

In view of the above, the petition is disposed of, the impugned order is modified to the extent that the petitioner shall deposit the original title deeds of the property mentioned above with court concerned within two weeks from today and will adhere to the statement made with regard to deposit of the amount in the eventuality of not succeeding in objections under Section 34 of the Act.

There is no doubt that in case a request is made before the court concerned for expeditious disposal of objections under Section 34 of the Act, the same shall be considered in accordance with law.

[AVNEESH JHINGAN]
JUDGE

23rd March, 2023

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1. Whether speaking/ reasoned
2. Whether reportable

: Yes / No
: Yes / No