

CWP-23297-2018

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2023:PHHC:155163

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

CWP-23297-2018

Date of Decision:05.12.2023

M/S BHOLA RICE & GENERAL MILLS

..... Petitioner

Versus

**PUNJAB STATE CIVIL SUPPLIES CORPORATION LIMITED
AND ANR**

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Aditya Grover, Advocate for the petitioner.

Mr. Naman Jain, Advocate for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent to refund admittedly payable amount.

2. Learned counsel for respondents submits that there was default on the part of petitioner and respondents filed its claim before Arbitrator who vide award dated 18.01.2019 assessed liability of the petitioner to the tune of Rs. 24,67,436/- alongwith interest @ 13% per annum. The petitioner has not challenged the award, thus, petitioner is liable to pay the aforesaid amount.

3. Learned counsel for the petitioner submits that he does not want to challenge the award and accepts his liability, however, the said liability pertains to financial year 2012-13 and respondents are bound to adjust the said liability from the job charges which accrued in favour of the petitioner during subsequent years. The respondents have withheld job work charges of the petitioner for all the subsequent years and are not releasing balance payment after adjusting liability accrued vide award

dated 18.01.2019.

4. On 20.10.2023, learned counsel for the petitioner during the course of hearing submitted a calculation chart, a copy thereof was handed over to learned counsel for the respondents who sought time to get instructions.
5. Learned counsel for the respondents submits that as per his instructions, the respondent has preferred petition under Section 34 of Arbitration Act seeking enhancement of awarded amount.
6. The petitioner is not disputing his liability created by arbitrator. Admittedly, the petitioner is working as job worker for the State of Punjab since 2012-2013. The respondent has withheld job charges of the petitioner on the ground of an award passed by the arbitrator. The respondent has authority to withhold amount awarded by arbitrator alongwith awarded interest, however, the respondent has no authority to withhold amount over and above the said amount. The amount awarded by arbitrator stands recovered on the date on which equal amount of the petitioner accrued in the subsequent years and respondent retained. Thus, the respondent is hereby directed to release amount payable to petitioner over and above the liability assessed by arbitrator. The needful shall be done within 2 months from today.
7. The petition stands disposed of in the above terms.

(JAGMOHAN BANSAL)

JUDGE

05.12.2023

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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>