

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

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2024:PHHC:008029
RA-LP No.19 of 2020 in
LPA No.947 of 2016
Date of decision: January 12th, 2024

Punjab State Civil Supplies Corporation Ltd. (PUNSUP) and
another

.....Applicants

Versus

M/s R.S. Rice Mills and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Ms. Deepali Puri, Advocate
for the applicant-appellant.

Mr. Karan Gupta, Advocate
for respondent No.1/non-applicant.

MANJARI NEHRU KAUL, J.

Prayer in this Review Application under Order 47 Rule
1 read with Section 151 CPC is for review of order dated
13.02.2019, whereby the appeal preferred by the
applicant-appellants was dismissed.

2. Against the order dated 13.02.2019 passed in
LPA No.947 of 2016, the applicant/appellants had carried an
appeal to the Hon'ble Supreme Court, and during the course of
hearing, permission was sought by the counsel for the applicant to
withdraw the SLP to move this Court by way of filing a Review
Application. The Hon'ble Supreme Court vide its order dated
06.09.2019, allowed the above prayer made on behalf of the
applicant. That is how we are now seized of the matter. The main

thrust of the argument advanced by the learned counsel for the applicant/appellants is that reference could be made to the arbitrator again for the crop year 2011-12 as the settlement arrived at during the previous arbitration proceedings was only with a tentative amount in mind. However, the above argument is farcical, given that the applicant/appellants had supplied paddy for milling to the respondent in the subsequent years i.e. 2012-13, 2013-14 and for the year 2014-15, indicating no doubt or misgiving about the settlement as contemplated by Section 30 of the Arbitration and Conciliation Act, 1996.

3. It is crucial to note that the applicant/appellants initiated arbitration on 04.06.2013, even though before the matter was referred to arbitration by the applicant/appellants, it was already in receipt of communications annexed as Annexures P-2 and P-3, wherein the final rates had already been specified and received. Despite having knowledge of the final rates, the applicant/appellants still chose to base their claim on the aforementioned two communications. Moreover and most pertinently, during the pendency of the arbitration proceedings, the applicant/appellants filed a revised claim, however, as not disputed by the learned counsel for the applicant/appellants, it did not seek to claim the revised amount. Subsequently, the respondent also entered into a settlement with the applicant and the entire amount as claimed by the latter was then cleared and paid by the former.

The applicant/appellants are, therefore, now estopped from

claiming the amount based on the earlier communications, especially in the light of the provisions of Order II Rule 2 of the CPC. We are fortified in this view by a decision rendered by the Hon'ble Supreme Court in ***Nathani Steels Limited Vs. Associated Constructions 1995 Suppl. (3) SCC 324.***

4. In view of the reasons recorded above, we find no merit in the Review Application and have no hesitation in dismissing it with no order as to costs.

5. The Review Application stands dismissed.

(DEEPAK SIBAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

January 12th, 2024
Puneet

Whether speaking/reasoned : Yes

Whether reportable : No