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

CR-2972-2025

Date of Decision: 15. 05.2025

EXECUTIVE ENGINEER HARYANA STATE AGRICULTURE
MARKETING BOARD ROHTAK

..... PETITIONER

VERSUS

THE HAPPY CO-OP SOCIETY LIMITED, KALANAUR, ROHTAK

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Aakash Juneja, Advocate
for the petitioner.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed for setting aside the order dated 01.05.2025, Annexure P-5, passed by the Executing Court/Additional District Judge, Rohtak, whereby warrants of attachment have been issued against the petitioner's properties.

2. Learned counsel for the petitioner contends that Arbitrator passed the award, dated 19.12.2020, a copy whereof was received to the petitioner on 15.01.2021. Thereupon, he came to know that a counter-claim raised on his behalf had not been considered while passing the award. Accordingly, he filed an application, dated 18.02.2021, Annexure P-2, under Section 33 of the Arbitration and Conciliation Act, 1996, requesting the Arbitrator to decide the counter-claim or re-announce the award. Pending decision of the application, proceedings to execute the award are not



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maintainable.

3. Concededly, the award, dated 19.12.2020, has not been challenged by the petitioner, and only an application under Section 33 of the Act for deciding the counter-claim has been filed before the Arbitrator. The fate of the application is also not known; it has not been established whether the same was ever placed before the Arbitrator for consideration at any stage. Besides, Section 33 of the Act enables the parties to seek correction or interpretation of the award within thirty days from the date of receiving it. Approaching the Arbitrator to decide counter-claim by moving an application under Section 33 of the Act appears to be impermissible. Also, learned counsel has not been able to refer to any provision which entitles the petitioner to seek decision on the counter-claim after the final award has been passed and arbitral proceedings stand terminated.

4. In view thereof, there is no ground to entertain the petition, and it stands dismissed.

15.05.2025

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(TRIBHUVAN DAHIYA)
JUDGE

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