

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

2026:PHHC:034283



(232)

CR-3454-2024

Date of Decision: 06.03.2026

Punjab State Cooperative Supply & Marketing
Federation Ltd., Ferozepur
Versus

--Petitioner

M/S Ferozeshah Agro Pvt. Ltd.

--Respondent

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI.

Present:- Mr. Amaninder Preet, Advocate for the petitioner.

Mr. L.S. Sidhu, Advocate for respondent.

JASGURPREET SINGH PURI.J (Oral)

1. Mr. L.S. Sidhu, Advocate has appeared on behalf of respondent and has filed his Vakalatnama, which is taken on record.

2. The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 11.01.2024 (Annexure P-17) passed by learned Addl. District Judge, Ferozepur vide which the Execution Application has been dismissed.

3. Learned counsel appearing on behalf of petitioner while giving facts of the case has submitted that an agreement was executed between the petitioner and the respondent in the year 1999. Since the dispute arose between the parties and matter was referred for arbitration and award was passed on 09.07.2003 (Annexure P-2). Immediately thereafter, the petitioner filed execution application before the learned Principal Civil Judge, Ferozepur on 16.03.2004 i.e. after about 08 months. Before the learned Executing Court, the respondent had taken an objection with regard to pendency of objections under Section 34 of the Arbitration & Conciliation

Act, 1996 (for short the '1996 Act'), which they had filed on 04.12.2004 and because of this reason learned Executing Court vide order dated 14.1.2006 (Annexure P-5) adjourned the execution application *sine die*, although, by so observing that it is consigned *sine die*. In this way the execution application remained pending as it was consigned *sine die*.

4. Thereafter, objections filed by respondent under Section 34 of the 1996 Act, were dismissed on 10.03.2007 (Annexure P-6). The petitioner, therefore, filed an application vide Annexure P-7 before the learned Executing Court for hearing of the execution application and restoration thereof. This application was filed on 25.04.2007 immediately after the dismissal of the objections filed under Section 34 of the 1996 Act. In the meanwhile, the respondents also filed first appeal before this Court against the dismissal of their objections and the appeal was also dismissed vide order dated 15.05.2009 (Annexure P-8). Thereafter, the execution proceedings again commenced which is clear from order dated 27.10.2014 (Annexure P-9), whereby it was so directed by learned Executing Court that the warrant of attachment could not be issued and now the file be put up on 28.10.2014 for further proceedings and in this way the execution proceedings were in operation on 27.10.2014 i.e. after the dismissal of the appeal which was filed by the respondents. However, on 28.10.2014 vide Annexure P-10, the execution application was dismissed for non-prosecution. Immediately thereafter i.e. on 26.11.2014 vide Annexure P-11 the petitioner filed an application before learned Executing Court for restoration of the execution application. This application was dismissed by learned Civil Judge (Jr. Divn.), Ferozepur on 17.04.2018 (Annexure P-13) on the ground that the court does not have jurisdiction in view of the

provisions of Section 42 of the 1996 Act. However, when an application was moved before learned Addl. District Judge, Ferozepur vide Annexure P-14 for hearing the execution application learned Addl. District Judge after hearing the execution application, dismissed the same vide impugned order dated 11.01.2024 (Annexure P-17) only on the ground of limitation that since the execution application had been filed beyond the period of 12 years, the same was hit by limitation.

5. Learned counsel for the petitioner while advancing arguments submitted that the impugned order passed by learned Addl. District Judge, Ferozepur was totally contrary to law and also to the facts of case. He submitted that the execution application could not have been dismissed by learned Addl. District Judge on the ground of limitation in view of the fact that execution application was filed well in time after the award was passed. The execution application infact stood filed on 16.03.2004 after the award was passed on 09.07.2003 and therefore there was no question of filing the execution application beyond the period of 12 years and the learned Addl. District Judge wrongly calculated the aforesaid period of 12 years. He submitted that as per the aforesaid impugned order passed by learned Addl. District Judge the period of limitation has been computed from the dismissal of appeal by this Court under Section 37 of the 1996 Act in the year 2009, whereas the facts of the case clearly speak that the execution application was filed much prior to that i.e. immediately after the award was pronounced and limitation period could not have been counted from the dismissal of the appeal under Section 37 of the 1996 Act, in view of the fact that when execution application was filed in the year 2004, the same was adjourned *sine die* vide order dated 14.01.2006 (Annexure P-5) and

therefore, the aforesaid impugned order is totally erroneous, contrary to record and is liable to be set aside.

6. On the other hand, learned counsel appearing on behalf of respondent has submitted that the order passed by learned Addl. District Judge is in accordance with law because once the appeal was dismissed under Section 37 of the 1996 Act by this Court, the petitioner should have filed the execution application within a period of 12 years.

7. I have heard learned counsel for the parties and have gone through the records carefully.

8. The aforesaid dates and facts are not in dispute. From the aforesaid dates, it becomes very clear that the petitioner filed execution application on 16.03.2004, whereas the award was passed on 09.07.2003 i.e. after about 08 months of passing of the award, which was adjourned *sine die* and was kept as such for a long period of time. However, later on, on 28.10.2014 it was dismissed in default and immediately thereafter an application was filed for restoration thereof i.e. on 26.11.2014. Thereafter, learned Addl. District Judge rather decided the execution application, although, on the ground of limitation, which means that it stood restored and once the execution application stood restored, it ought to have been decided on merits and could not have been dismissed on the ground of limitation only because the execution application in fact stood filed much earlier i.e. in the year 2004 itself.

9. This Court is of the considered view that the impugned order is absolutely contrary to the record, illegal and has been passed in violation of law. The reference made to Section 42 of the 1996 Act is of no significance.

The execution application could not have been dismissed on the ground of

limitation since the same stood filed in the year 2004 itself.

10. Consequently, the present petition is allowed. Impugned order dated 11.01.2024 (Annexure P-17) passed by learned Addl. District Judge, Ferozepur, is set aside. The learned Executing Court is directed to proceed with the execution proceedings in accordance with law. Parties are directed to appear before the learned Addl. District Judge, Ferozepur on 01.04.2026.

(JASGURPREET SINGH PURI)
JUDGE

06.03.2026
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No