

**IN THE COURT OF MS. NEHA GOEL
CIVIL JUDGE, (SENIOR DIVISION)
FEROZEPUR (UID NO. PB0360)**

Punjab State Co-operative Vs. Ferozeshah Agro
CIS No. EXE/1032/2025 CNR No. PBFZ020038112025

Present: Sh. Ashish Kumar Sharma, Advocate, counsel for decree holder.

Sh. Himanshu Dhawan, Advocate, counsel for JD.

ORDER

1. Heard on the objections filed by the judgment debtor through its counsel.

2. It is submitted that the present case relates recovery of the amount of bardana and as per the original award dated 08.01.2016, which was passed by B.S. Brar, District Manager, Markfed Bathinda cum Arbitrator was for a sum of Rs. 1,91,801/- and a sum of Rs. 2,43,826/- has been added in the execution application as interest on the above said amount at the rate of 12% per annum as calculated w.e.f. 15.06.2005 to 31.05.2022. The interest calculated from 15.06.2025 to 31.05.2022 is totally wrong and illegal. It is well settled law that the interest more than the principal cannot be given at any time, meaning thereby when the principal amount has been assessed Rs. 1,19,801/- then the interest upto the same amount can be recovered by the Markfed and not more than that and in this manner

the total recoverable amount by the DH against JD comes out to be Rs. 1,39,602/- whereas the warrants of recovery by way of attachment and sale have been issued for a sum more than Rs. 4 lacs meaning thereby that the interest for the further period has also been calculated which is also totally wrong. It has been further submitted that the interest has been calculated at the rate of 12% per annum whereas the nationalized banks are itself advanced the amount at the rate of 7 to 8% per annum to the borrower, then, how the DH can charge interest at the rate of 12% per annum. Even otherwise the award has been passed when the time has already expired for passing the award. As per the settled proposition the award can be passed in case the proceedings are started within a period of three years from the date when the principal amount became due but in this case, from the award, it comes out that the proceedings for arbitration were initiated only in the year 2011 whereas the period for which the bardana was allegedly supplied by the Markfed was regarding the crops 1999-2000. In case the bardana was not returned, within a period of three years then the whole proceedings have become liable to be dropped as the Arbitrator was not appointed within time or that in the otherwise, it can be said that the proceedings had already elapsed due

to lapse of time. Thus, the award under execution cannot be executed as the award was not properly initiated. No notice was given to the JD at any proper time, rather it has been mentioned in the execution application that the firm M/s Ferozeshah Agro Pvt. Ltd. Village Mishri Wala had already come to an end and is not existing. When the company/firm Ferozeshah Agro Pvt. Ltd. village Mishri Wala is not existing at present then how the execution application can be filed against non existent firm. It has been further submitted that this is the second execution application. One execution application was also previously filed by the decree holder in which certain objections were filed, which have also been reproduced above. The interest in this case has been calculated by the decree holder at the rate of 12% per annum, which is excessive and future interest cannot be claimed more than 6% per annum. In the previous execution application, a sum of Rs. 1,19,801/- has been given to the decree holder and at that time, the execution application was withdrawn by the decree holder. Lastly it is prayed that present objections may kindly be accepted and execution application may kindly be dismissed.

3. In reply, decree holder submitted that the contents of the

objection petition filed by the objector/judgment debtor have not been verified, which is a mandatory requirement as per the settled provisions of law and as such, no reliance can be placed upon the contents of objection petition. The objection petition is based on false, vague and baseless averments. Even from the contents of objection petition itself, the objector has failed to mention any sufficient cause for not executing the award 08.01.2016 passed by the learned Sole Arbitrator. In fact, the award dated 08.01.2016 is a legal, valid and genuine document in the eyes of law and is binding and operative upon the objector and as such, the same is liable to be specifically enforced through this Court. On merits, it has been submitted that the award was rightly passed for Rs. 1,19,801/- along with interest @ 12% till its recovery. The interest worth Rs. 2,43,826/- has been rightly calculated on the amount of award. The interest has been rightly calculated @ 12% for the period with effect from 15.06.2005 to 31.05.2022 and the decree holder is legally entitled to claim the same from the judgment debtor. Since the judgment debtor is guilty of making non-payment of the amount of award during such a long period and as such, judgment debtor estopped by his own act and conduct from raising any false and baseless objection. The interest has

been rightly calculated @ 12% as per award. The warrants of recovery by way of attachment and sale of the properties belonging to judgment debtor have also been rightly issued. It has been further submitted that The award dated 08.01.2015 under execution was rightly passed by the learned Arbitrator as per the law and facts brought on record and as per the knowledge of the decree holder, the said award has not been challenged by the judgment debtor before the Court of competent jurisdiction, so far and as such, the same has become final and conclusive and is binding and operative upon the judgment debtor. Thus, the award is liable to be specifically/enforced through the agency of this Court. The award is duly supported by cogent, convincing and justifiable reasons. Further, the award is a legal, valid and genuine document in the eyes of law and that is why, judgment debtor did not challenge the same and now, at this belated stage, judgment debtor is estopped by his own act and conduct from raising any false and baseless objection, which is mere a device tactic to prolong the proceedings of the case and to waste the precious time of this Court. Since the judgment debtor did not challenge the award dated 08.01.2016 passed by the learned Arbitrator, on the basis of which, the present execution has been filed by the decree holder and

the award has become final and conclusive and is binding upon the judgment debtor and as such, now at this belated stage, judgment debtor cannot raise any such false objection, which is mere a device tactic to unnecessarily harass the decree holder and to avoid legal liability of judgment debtor to make the payment of decretal amount along with interest. The award was passed by the learned Arbitrator after going through the pros and cons of the case. The Court is to specifically enforce the award dated 08.01.2016 under execution and is not to re-open the case on merits and as such, the facts contained are not relevant for deciding the present execution. The execution filed before this Court well within time. Even previous execution against the award dated 08.01.2016 was pending since 02.07.2022, which was lateron withdrawn being partly satisfied. As such, the present fresh execution being a continuation is itself within time and judgment debtor cannot be allowed to further prolong the case on false, vague and baseless objections. The judgment debtor is trying to mislead this Court by stating false and misleading facts in support of his false objections. It has been further submitted that this is the second execution application and similar objections were filed by judgment debtor in the previous execution. Lastly, it is prayed for

dismissal of the objections filed by judgment debtor.

4. I have heard the rival contentions of learned counsel for both the parties.

5. The objections raised by the JD regarding the rate of interest, the alleged expiry of the time for passing the award, and the alleged absence of notice during the arbitral proceedings are objections touching upon the validity and legality of the arbitral award. Such issues could have been raised in appropriate proceedings under Section 34 of the Arbitration and Conciliation Act, 1996. The executing Court cannot go behind the award or examine its correctness or legality. Accordingly, these objections are devoid of merit and are dismissed. Now file be again taken up post lunch sessions for further proceedings.

Pronounced in open court :

Dated : 13.07.2026

(Sumit Kumar) Stenographer Gr.II

(Neha Goel),

Civil Judge, (Sr. Division)

Ferozepur/(UID No. PB0360)