



FAO-1466-2025(O&M) and FAO-1468-2025(O&M)

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

**DATE OF DECISION : 05.03.2025**

1. FAO-1466-2025(O&M)

PUNJAB STATE CIVIL SUPPLIES CORPORATION LIMITED AND  
ANOTHER .... APPELLANTS

Versus

M/S S N G RICE MILLS AND OTHERS ...RESPONDENTS

2. FAO-1468-2025(O&M)

PUNJAB STATE CIVIL SUPPLIES CORPORATION LIMITED AND  
ANOTHER .... APPELLANTS

Versus

M/S S N G RICE MILLS AND OTHERS ...RESPONDENTS

**CORAM : HON'BLE MS. JUSTICE LAPITA BANERJI**

Present : Mr. Aman Sharma, Advocate for the appellants.

**LAPITA BANERJI, J.(ORAL)**

This order of mine will dispose of two appeals being FAO-1466-2025 and FAO-1468-2025. For the sake of convenience, the facts are taken from FAO-1466-2025.

2 In this appeal, the appellants have challenged the judgment and order dated December 02, 2024 passed by the Additional District Judge, Patiala, whereby the application under Section 34 of the Arbitration and Conciliation Act, 1996 (for short 'the 1996 Act') had been dismissed and the award dated March 29, 2017 (Annexure A-4) was upheld.

3. Vide an *ex-parte* award dated September 23, 2013 (Annexure A-2), the learned Arbitrator awarded a sum of Rs.18,71,074/- along with the



FAO-1466-2025(O&M) and FAO-1468-2025(O&M)

interest @ 12% per annum from May 01, 2013 till the date of actual realisation in favour of the appellants. Additional amounts in respect of the respondents share of learned Arbitrator's fees was also directed to be paid along with interest at the rate of 12% per annum.

4. It is admitted that the entire awarded amount was deposited by the Millers/respondents No.1 and 2. During the pendency of the arbitration proceedings, the rates of paddy for the year 2011-2012 were revised vide a memo No.G.M (Finance) 2013/337 dated February 18, 2013 (Annexure A-3). Due to such revision, the appellants herein filed an application for additional claim of Rs.2,69,017/- against respondents No.1 and 2. The learned Arbitrator vide an award dated March 29, 2017 rejected the claim of the appellants following the doctrine of *res judicata*. He was of the view that the second claim could not be raised in respect of the same cause of action as an *ex-parte* award dated September 23, 2013, allowing the entire claim of the claimants had been passed. The Government memo that the appellants sought to rely upon had already been in existence during the pendency of the arbitral proceedings as it was dated February 18, 2013, whereas the award was passed seven months later on September 23, 2013. The claimants had the opportunity to revise the claim during the pendency of the arbitral proceedings. Therefore, no ground was made for payment of differential amount to the appellants-claimants.

5. Learned counsel appearing on behalf of the appellants submits that the rates were already revised before the award was passed. Therefore, the appellants are entitled to claim on the basis of aforesaid revised rates.



FAO-1466-2025(O&M) and FAO-1468-2025(O&M)

Furthermore, unless the appellants are allowed to claim the aforesaid amount, it will amount to loss to the public exchequer, due to inadvertent mistake on the part of the appellants.

6. This Court has heard the learned counsel for the appellants and perused the material on record and finds no infirmity with the award dated March 29, 2017 as it is founded on a correct proposition of law. It is well settled that the doctrine of '*res judicata*' prevents Courts from revisiting cases that have already been decided by the same Court, involving the same parties and on the same subject matter. A beneficial reference may be made to the Apex Court's decision in "**Lonankutty versus Thomman and another**" reported in 1976(3) SCC 528. Accordingly, there is no infirmity in the impugned order dated December 02, 2024 passed by the learned Additional District Judge, Patiala.

8. Consequently, FAO-1466-2025 and FAO-1468-2025 are **dismissed**.

9. Connected application(s), if any, shall also stand disposed of.

10. A photocopy of this order be placed on the file of connected case.

**(LAPITA BANERJI)**  
**JUDGE**

**05.03.2025**

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Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No