

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

ARB-152-2014

Date of decision:- 27.02.2015

M/s Prem Kumar Subhash Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE

Present: Mr. Rose Gupta, Advocate,
for the petitioner.

Ms. Palika Monga, Deputy Advocate General, Haryana.

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S.J. VAZIFDAR, A.C.J. (ORAL)

This is a petition under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of an arbitrator in terms of an arbitration clause contained in the agreement dated 09.12.1980.

2. The petitioner had invoked arbitration and raised several claims. The arbitrator made and published an award on 30.05.1984. The arbitrator directed the respondent – State of Haryana to prepare a final bill and stated that the petitioner would be entitled to refer the disputes before finalization of the final bill as per the terms of the arbitration clause. I have been informed that the petitioner's execution application was dismissed on 14.02.2005. The First Appeal filed by the petitioner was, however, allowed by an order and judgement dated 08.08.2009. The respondents' Execution Second Appeal was dismissed by an order and judgement dated 12.01.2012.

3. A sum of ₹ 2 lacs was thereafter paid by the respondents to the petitioner on 14.06.2012. The petitioner now seeks to raise a fresh claim towards interest. This is a clear case of a stale claim being made. The fresh reference was invoked on 04.08.2012. The present claim is only for interest.

There is nothing to indicate that the interest could not have been claimed in the original reference. Even assuming that the interest had been claimed, but had not been awarded, it would make no difference as a party is not entitled to raise claims which have been rejected by the award which has attained finality.

4. The petition is accordingly dismissed.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

27.02.2015

Amodh