

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

CR No. 4347 of 2004 (O&M)

Date of decision: August 5, 2015

Haryana State Housing Board Chandigarh

...Petitioner

Versus

The Lajpat Nagar Cooperative I/C Society Ltd. and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

1. **Whether Reporters of local papers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest?**

Present: Ms. Geeta Sharma, Advocate,
for the petitioner.

K. KANNAN, J. (Oral)

1. The revision is wholly without any merit. The petitioner has fanciful objection that the claim made by the contractor was barred by limitation. The other objection is that the Arbitrator has awarded interest which cannot be made by virtue of Clause 44 of the terms and conditions of the contract.

2. I asked the counsel to point out anywhere that there was an issue of objection regarding the claim being barred by limitation either before the Arbitrator or after notice of award was issued by the court before making it a rule of court. The counsel is unable to point out to me any objection, except a bald statement that the award is *void ab initio* and it is not valid. While issue of limitation can be normally taken by the court even without express reading, if contentions were to be that a claim of contractor for damages and for payment of work done, it is invariably question of facts

and law and without a plea being taken specifically therefor, I cannot allow for the contention to be brought as regard the alleged period of limitation. I reject the plea in that behalf.

3. The subject whether interest can be claimed for the delayed handing over the property and for damages resulting therefrom, a similar contention for damages for delay and the interest awarded therefor have been considered by the Supreme Court in relation to the contract of Government, in some contracts specified in Clause 7, in some contracts specified in Clause 11 (C). All the judgments of the Supreme Court relating to assessment of damages for the delay caused in handing over the property and for the failure of the State to act as per the terms was considered by this court in the judgment in Union of India Versus M/s Prabhat Kumar and Brothers in Civil Revision No. 7294 of 2010 decided on 30.4.2015. In the said judgment all the decisions and our own court's view interpreting the Supreme Court's decisions have been considered. The said judgment also provides for a scope for interest in respect of commercial transactions at the rate which the commercial bank lend, I do not think that the matter brought before the court now through a revision deserves any acceptance, for, they have been appropriately dealt with in the impugned order.

3. The revision petition is dismissed.

August 5, 2015
prem

(K.KANNAN)
JUDGE