

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM Nos. 6259-CII and 6260-CII of 2015 in/and
FAO No. 2020 of 2015 (O/M)
Date of decision : 26.3.2015

Union of India and another Appellants

Versus

M/s Vishav Construction Co. and another Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Nitin Kumar, Advocate, for the appellants.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

CM No. 6259-CII and 6260-CII of 2015

There is delay of 132 days in re-filing the appeal. In addition to this, there is 24 days' delay in filing the appeal.

For the reasons mentioned in the applications, the delays of 132 days' in re-filing and 24 days' delay in filing the appeal are condoned.

Applications accordingly stand disposed of.

Main case

Challenged in the present appeal is the order dated 28.3.2014, passed by the learned Additional District Judge, Amritsar,

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SANJIV KUMAR SHARMA
2015.04.06 17:55
I attest to the accuracy and
authenticity of this document

whereby the objection petition filed by the objectors/petitioners-Union of India and another (appellants herein) under Section 34 of the Arbitration and Conciliation Act, 1996, was dismissed and thereby award dated 4.3.2010, passed by the Arbitrator was upheld.

A perusal of award dated 4.3.2010, passed by the Arbitrator shows that a sum of Rs. 2,98,128/- was claimed as penalty to be recovered from the contractor. The Arbitrator found that there is letter No. A/6/392 dated 27.1.2010. It goes to show that the Arbitrator rightly came to the conclusion that since the final bill was submitted, it would mean that the work was complete. The sound reasoning was given by the Arbitrator. The scope of the Court in interfering with the award passed by the Arbitrator under Section 34 of the Arbitration and Conciliation Act, 1996, is very limited. It being so, I do not find any ground to disagree with the award dated 4.3.2010, passed by the Arbitrator and the order dated 28.3.2014, passed by the learned Additional District Judge, Amritsar.

The appeal is accordingly dismissed.

(KULDIP SINGH)
JUDGE

26.3.2015
sjks