

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

FAO No. 7530 of 2015(O&M)
Date of decision : November 19, 2015

Municipal Corporation through its Commissioner
..... Appellant
Versus

The Pooja Cooperative Labour & Construction Society Ltd. and
another
..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Pardeep Rajput, Advocate
for the appellant.

Mr. Rajesh Goyal, Advocate
for respondent No.1.

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?

Amit Rawal, J (oral).

The appellant-Municipal Corporation is in appeal against the order dated 29.5.2015 whereby objection petition filed under Section 34 of the Arbitration and Conciliation Act, 1996 for setting aside the award has been dismissed.

Learned counsel appearing on behalf of the appellant submits that the contractor did not complete the work within the stipulated period of five months, therefore he was not entitled to benefit of escalation clause, thus, submits that both arbitrator and the objecting court have not noticed the aforementioned fact, therefore, there is illegality and perversity in the award as well as the

impugned order.

Learned counsel appearing on behalf of respondent No.1 submits that as per finding rendered by the objecting court in paragraph 11 of the judgment it has been noticed that the letter dated 14.12.2009 written to the objector with regard to the claim of payment of interest amount has been allowed vide order dated 15.12.2009.

During the course of hearing the arguments, I have read the letter and found the statement to be correct. There is no substance in the aforementioned argument of learned counsel for the appellant.

There is no illegality and perversity in the award as well as judgment of the objecting court. Moreover, the objections were within the realm of Section 34 of the the Arbitration and Conciliation Act, 1996.

Accordingly, the appeal stands dismissed.

(AMIT RAWAL)
JUDGE

November 19 , 2015
archana