

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

RSA No.5010 of 2015 (O&M)

Date of Decision: September 23, 2015

Pb. State Power Corporation Limited and others Appellants

vs.

PCP International Limited

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Ms. Meena Bansal, Advocate for the appellants.

1. *Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

Impugned in the present regular second appeal is the judgment dated 26.05.2015 passed by learned Addl. District Judge, Rupnagar, affirming and modifying the judgment and decree dated 30.10.2014 passed by learned Civil Judge (Jr. Divn.), Rupnagar.

The lower court had decreed the suit of the plaintiff for recovery of ₹2,48,558 with interest @ 9% per annum till its realization. However, the first appellate court modified the decree and allowed interest @ 6% per annum from the date of institution of the suit till its realization.

In nutshell, a tender was floated by the present appellants-defendants. The plaintiff made counter offer (Ex.P4), in which in case of increase in the wages during the pendency of the contract, the difference shall be borne by the appellants-defendants.

The lower court while relying upon the admission of the defendants-appellants in some documents held that the said condition was accepted by the appellants-defendants and therefore, they are liable to pay the enhanced wages during the pendency of the contract. The findings have been affirmed in appeal with modification in the rate of interest.

After hearing learned counsel for the appellants-defendants, I am of the view that these are the findings of the facts. The admission of the appellants-defendants has been relied upon by both the courts below. No question of law much less substantial question of law arises in the present appeal.

Hence, the findings cannot be set aside in the regular second appeal.

Accordingly, the present regular second appeal stands dismissed.

September 23, 2015
sarita

(KULDIP SINGH)
JUDGE