

HIGH COURT OF CHHATTISGARH, BILASPUR

CR No. 21 of 2010

1. State Of Chhattisgarh through the Secretary, Deptt. of Public & Health Engineering, D.K.S. Bhawan, Raipur (Chhattisgarh)
2. Executive Engineer, Public Engineering Division, Raipur (Chhattisgarh)

---- Applicants

Versus

- M/s B.S. Premchandani, Civil Engineers, Builders & Contractors, A Registered Partnership Firm, Ravigram Colony, Raipur through its Partner Bachumal Premchandani.

---- Non-applicant

For Applicants/State : Shri Samir Behar, Panel Lawyer
For Non-applicant : Shri N.K. Vyas, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

15/07/2016

1. This revision is directed against the award dated 18-11-2009 passed by Arbitration Tribunal, Raipur in Reference Petition No.5/2006 whereby an award of Rs.2,32,843/- has been passed in favour of non-applicant. The applicant filed a reference petition for recovery of Rs.3,15,693/- under Section 7 of the Chhattisgarh Madhyastham Adhikaran Ahiniyam, 1983 (for short 'the Act of 1983'), as the work of design, drawing and sewerage pump station for Raipur drainage works was awarded to the petitioner. The petitioner claimed the following claims by way of reference petition :

- | | | |
|------|---|----------------|
| (i) | Payment of final bill | Rs.1,35,945.00 |
| (ii) | Recovery of Cash security and earnest money | Rs. 14,028.00 |

(ii)	Recovery of interest @ 12 % p.a.	
	From 1/9/84 to 15/11/93	Rs.1,65,720.15
	Total	Rs.3,15,693.15
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2. Learned Arbitration Tribunal after hearing the counsel, has awarded a sum of Rs.2,32,843/- in favour of the petitioner and against the respondent along with interest @ 6% per annum from the date of award till the date of payment and also directed that Bank Guarantee of Rs.2,25,000/- duly discharged be returned back to the petitioner.
3. Learned counsel appearing for the applicants would submit that the award of the Arbitration Tribunal directing the payment of final bill, recovery of cash security and interest is perverse and contrary to the record.
4. On the other hand, learned counsel for the non-applicant/ contractor would support the award.
5. Learned Tribunal has clearly recorded a finding that withholding the amount of final bill, security deposit and earnest money is totally unjustified and there is no evidence to hold that the petitioner had made any departure from the approved drawing and design while making the construction or there is negligence on the part of the petitioner and there is overwhelming evidence to support the plea of the contractor/petitioner.

6. After hearing learned counsel for the parties and after going through the record, I do not find any perversity and illegality in finding recorded by the learned Arbitration Tribunal granting payment of final bill and security deposit and earnest money along with interest.

7. Consequently, the Civil Revision deserves to be and is hereby dismissed. No cost(s).

Sd/-
(Sanjay K. Agrawal)
JUDGE