

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CR No.7583 of 2012 (O&M)  
Date of decision:06.04.2016

M/s R.S. Infrastructures Ltd. ... Petitioner

Vs.

State of Punjab and another ... Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

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

Present:- Mr. G.S.Attariwala, Advocate  
for the petitioner.

Mr. Piyush Bansal, DAG Punjab  
for respondent No.1.

Mr. Sanjay Joshi, Advocate  
for respondent No.2.

**AMIT RAWAL J. (Oral)**

The petitioner is aggrieved of the impugned order dated 07.08.2012 qua implementation of the award dated 19.09.2007, whereby, the Executing Court after noticing the facts that award has been implemented while declining the relief qua interest, by holding that any settlement arrived outside the Court or any decision taken by the Steering committee would not form part of the award and therefore, the executing Court cannot go beyond it except the extent it was decreed.

Mr. G.S.Attariwala, learned counsel appearing on behalf

of the petitioner submits that de hors to the aforementioned impediment, the fact remains that even the respondents have not given the correct amount as per the terms and conditions of the award and there is short coming in the order and this fact has not been noticed by the Executing Court.

Mr. Sanjay Joshi, learned counsel appearing on behalf of respondent No.2/judgment debtor submits that entire payment as per the terms and conditions of the award, has been paid.

I have heard learned counsel for the parties and appraised the paper book.

In view of the aforementioned facts, I deem it appropriate to remand the matter back to the Executing Court with liberty to both the parties to file their respective calculations excluding the period of interest and payment received by the petitioner as an outcome of decision taken by the Steering Committee and the Executing Court after taking into consideration the calculations, if deems it appropriate that certain amount is outstanding to the petitioner, the same shall be determined and thereafter, an appropriate order shall be passed in accordance with law. As regards non-payment of interest of 1 ½ years, the time taken by the Steering Committee, I am of the view that award would not embrace it particularly as per order dated 17.03.2009 passed by this Court in CWP No.13848 of 1998 titled as Harish Kumar Puri vs. State of Haryana and consequential effect thereof. The petitioner shall be at liberty to seek the execution

of the same, in accordance with law, other than by way of execution, if so advised. The impugned order is hereby set aside and the matter is remitted back to the executing Court.

With the aforementioned observations, the revision petition stands disposed of.

Parties through their counsel are directed to appear before the Executing Court on 12.05.2016.

**(AMIT RAWAL)**  
**JUDGE**

**April 06, 2016**  
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