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

**FAO-4921-2012 (O&M)
Date of decision : 05.05.2016**

Executive Engineer HSAMB

... Appellant

Versus

M/s Kulbir Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Parveen Chauhan, Advocate
for the appellant.

Mr. P.S. Rana, Advocate
for the respondents.

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)

Challenge in the present appeal is to the finding rendered by the Arbitrator while interpreting the unamended Cause 25-A and amended Clause 25-A of the Agreement entered into between the parties.

Mr. Parveen Chauhan, learned counsel appearing on behalf of the appellant submits that as per the Clause 25-A, the Arbitrator is not competent to award the interest and therefore, awarding of the interest @ 12% is not in consonance with the terms and conditions of the contract, thus, the same is liable to be set aside being in violation of the provisions of sub-Section 3 of Section 28 of the 1996 Act.

Mr. P.S. Rana, learned counsel appearing on behalf of the respondents submits that Clause 25-A was amended and in the amendment clause, there is no bar to the Arbitrator to award the interest and therefore, the interest has been awarded in consonance with the provisions of sub-Section 7 of Section 31 of the 1996 Act. He submits that the similar matter came for adjudication before this Court in **FAO No7252 of 2010** titled as **“Haryana State Agricultural Marketing Board, Rohtak V/s Maa Shakti Cooperative L & C Society Ltd. and another”** decided on 24.09.2015, wherein this Court, after noticing both un-amended and amended clause, found that the awarding of the interest by the Arbitrator was not expressly barred.

In view of the aforementioned facts and circumstances of the case, I am of the view that there is no jurisdictional error in the Award, much less, objections were not falling within the parameters/provisions of Section 34 of the 1996 Act as the matter in controversy already stands adjudicated, as noticed above.

Accordingly, no ground is made out for interference in the finding, under challenge and the appeal stands dismissed.

05.05.2016
yogesh

(AMIT RAWAL)
JUDGE