

FAO No.4983 of 2016 (O&M)

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

FAO No.4983 of 2016 (O&M)

Date of decision:29.08.2016

Union of India

... Appellant

Vs.

M/s Astra Construction Private Limited and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Pritam Saini, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

C.M.No.17051-CII-2016

For the reasons stated in the application, duly supported by an affidavit, delay of 277 days in filing the appeal is condoned.

C.M. stands disposed of.

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Appellant-Union of India is aggrieved of the impugned order dated 13.02.2015, whereby, the objections filed under Section 34 of the Arbitration and Conciliation Act, 1996, for setting-aside of the award 30.01.2010, have been dismissed, particularly with regard to compensation of ₹.25 lacs in the final bill on the premise that it had suffered losses in terms of money as contractor did not complete the work during the stipulated period. After cancelling the contract, the work was got done at his risk and costs.

Mr. Pritam Saini, learned counsel appearing on behalf of the appellant submits that the aforementioned aspect has not been looked into

as there are umpteen number of documents and evidence on record. The work order was placed on 04.07.2000 and commenced on 07.07.2000. The contractor raised the dispute with regard to price increased which has been placed on record during the interregnum. The Arbitrator has not appreciated the evidence placed on record, thus, there is illegality and perversity and the award is against the public policy and rightly so, the objections have been filed but the same have been dismissed.

I have heard learned counsel for the appellant and appraised the paper book and of the view that for claiming compensation, i.e., a sum of ₹25 lacs, the appellant was required to place on record the calculations as per the provisions of Section 73 of the Contract Act, but having failed to do so, demand of ₹25 lacs from the bill in the shape of compensation has rightly been declined by the Arbitrator after examining every aspect, much less, onus having not been discharged. It was not a case where award can be said to be vitiated in law and not in consonance with the public policy. In my view, the objections were also without merit and vitiated in law and therefore, rightly so, have been dismissed.

In view of the aforementioned observations, the appeal stands dismissed being devoid of merit.

(AMIT RAWAL)
JUDGE

August 29, 2016
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Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No