

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

FAO No.7681 of 2015 (O&M)

Date of decision:10.11.2016

Punjab State Civil Supplies Corporation Limited

... Appellant

Vs.

M/s Taj Industries and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Deepak Sabherwal, Advocate
for the appellant.

Mr. Anil K.Ahluwalia, Advocate
for the caveator-respondent (s).

AMIT RAWAL J. (Oral)

The appellant is aggrieved of the impugned order dated 21.05.2015, whereby, the objections filed under Section 34 of the Arbitration and Conciliation Act, 1996, (hereinafter referred to as “1996 Act”) for setting aside the award dated 25.01.2013 have been dismissed, wherein, PUNSUP had sought the modification of the award regarding the costs of Bardana and interest thereon @ 21%, 30% instead of 12% per annum, as awarded by the Arbitrator.

I am of the view that the aforementioned claim cannot be granted and rightly so has been declined as the same has been taken care of by awarding ₹11,74,571/- instead of ₹16,18,572/- The Arbitrator being the authority of fact and law had examined the evidence thread bare, i.e., claim and other documents etc. and found that the appellant is only entitled to the

aforementioned amount. If at all, the appellant was aggrieved, could have sought the modification under Section 33 of 1996 Act, within a period of 30 days but not in the manner and mode as indicated above, thus, it was not within the domain of the Objecting Court to modify the award. In my view, the objections are wholly misconceived and devoid of the merit, therefore, rightly so, the same have been dismissed.

No ground is made out for interference in the order under challenge.

Accordingly, the appeal stands dismissed.

(AMIT RAWAL)
JUDGE

November 10, 2016
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No