

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

FAO No. 8238 of 2015(O&M)
Date of decision : May 3, 2016

Housing Board Haryana
..... Appellant
Versus

M/s Nanu Ram Goyal
..... Respondent

FAO No. 8239 of 2015(O&M)

Housing Board Haryana
..... Appellant
Versus

M/s Nanu Ram Goyal
..... Respondent

FAO No. 8240 of 2015(O&M)

Housing Board Haryana
..... Appellant
Versus

M/s Nanu Ram Goyal
..... Respondent

FAO No. 297 of 2016(O&M)

Housing Board Haryana
..... Appellant
Versus

M/s Nanu Ram Goyal
..... Respondent

FAO No. 298 of 2016(O&M)

M/s Nanu Ram Goyal
..... Appellant
Versus

Housing Board Haryana and another
..... Respondents

FAO No. 621 of 2016(O&M)

M/s Nanu Ram Goyal

..... Appellant

Versus

Housing Board Haryana and another

..... Respondents

FAO No. 622 of 2016(O&M)

M/s Nanu Ram Goyal

..... Appellant

Versus

Housing Board Haryana and another

..... Respondents

FAO No. 623 of 2016(O&M)

M/s Nanu Ram Goyal

..... Appellant

Versus

Housing Board Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:-

Mr. Ashwani Talwar, Advocate
for the appellant in FAO Nos. 8238, 8239,8240
of 2015, 297 of 2016.

Mr. Parveen K. Moudgil, Advocate
for the appellant in FAO Nos.298, 621, 622, 623
of 2016.

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).

CM Nos. 1931-30-28-887-885-CII of 2016 in FAO No.623, 622,621, 298 & 297 of 2016

These are applications under Section 151 of the CPC seeking condonation of delay in re-filing the appeals.

For the reasons stated in the applications, which are duly supported by an affidavit, delay of 20 days in re-filing the appeals is condoned.

The applications stand disposed of.

FAO Nos 8238, 8239,8240 of 2015, 297,298, 621, 622, 623 of 2016.

This order of mine shall dispose of eight appeals bearing FAO Nos 8238, 8239,8240 of 2015, 297,298, 621, 622, 623 of 2016.

All the aforementioned appeals have arisen out of adjudication of claim and counter claim with regard to payment of service tax and interest. This Court had already rendered a finding in this regard, in FAO No. 3695 of 2013 decided on 1.12.2015 interpreting the terms and conditions of the clause, which are identical to the present case and viz-a-viz liability to pay service tax is upon the contractor.

In view of the aforementioned facts, the terms and conditions of the agreement would be relevant, which has already been referred and relied upon by the objecting court.

The Housing Board Haryana has impugned the award and filed objections with regard to denial of the counter claim but the fact remains that Housing Board has not impugned the award of the arbitrator qua rejection of counter claim, thus, appeals of the Housing Board i.e. FAO Nos. 8238, 8239,8240 of 2015, and 297 of 2016 are not sustainable accordingly are dismissed.

The appeals bearing FAO Nos.298, 621, 622, 623 of 2016 are dismissed in terms of the finding rendered by this Court in **FAO No. 3695 of 2013** titled as **Housing Board Haryana Vs. Madhukar Mittal and another** decided on 1.12.2015.

(AMIT RAWAL)
JUDGE

May 3, 2016
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