

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(1) Civil Revision No.3432 of 2013 (O&M)
Date of Order:20th December, 2017

M/s Hardev Singh & Company ..Petitioner

Versus

State of Punjab and another ..Respondents

(2) Civil Revision No.3433 of 2013 (O&M)

M/s Hardev Singh & Company ..Petitioner

Versus

State of Punjab and another ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikas Bahl, Sr. Advocate with
Ms. Japneet Kaur, Advocate,
for the petitioner

Mr. Pawan Sharda, Sr. DAG, Punjab

ANIL KSHETARPAL, J.

By this common judgment, Civil Revision Nos.3432 and 3433 of 2013 are being disposed of as the issue to be decided is common.

In both these cases, learned Arbitrator gave an award ordering refund of mobilization advance and machinery advance after recording a finding that both the parties were at fault for the delay.

The arbitration award was passed under the Arbitration Act, 1940. On an application, award was made rule of the Court and objections were dismissed. Even appeal filed by the petitioners has been dismissed.

The award passed by the learned Arbitrator is in detail and well reasoned, copy whereof has been filed.

I have heard counsel for the parties at length and with their able

assistance gone through the documents filed.

Learned counsel for the petitioner has submitted that the findings of the learned Arbitrator are contradictory. He has further submitted that the petitioner had submitted six different claims which have not been individually adjudicated upon.

This court has carefully read the award passed by the learned Arbitrator. The award passed by the learned Arbitrator is not contradictory. Learned Arbitrator has dealt with issue of delay on the part of the State Government as well as on the part of contractor. It is not in dispute that the learned Arbitrator found that both the parties are at fault. It is in these circumstances, the learned Arbitrator ordered refund of mobilization advance and machinery advance only.

Second argument of learned counsel for the petitioner is that the petitioner had submitted as many as six claims under different heads but they have not been individually dealt with. The six claims filed by the petitioners are as under:-

“Claim No.1:-

Payment due on account of reimbursement of bank charges and commissions on the Bank Guarantees and for their continuance till encashment by the Respondent in 5/1993.

=Rs.1,21,240/-

Claim No.2:-

Payment due as compensation for loss of profits.

Claim No.3:-

Payment due as reimbursement of charges on idling of resources and over head charges including charges for Technical Supervision etc. leading to infructuous expenditure.

= Rs.13,19,425.00

Claim No.4:-

Payment of interest due from the date of accruing to the date of payment as the Capital amount/awarded amounts at the rate of 15% per annum from 1.12.1986 to 31.12.1993 i.e. for seven years.

Claim No.5:-

Refund of cash deposit (encashed guarantees) (Rs.3.26 + 5.40 = Rs.8.66 lacs) along with interest @ Rs.15% per annum with effect 5/93 till payment.

Claim No.6:-

*Arbitration/Court expenses
Rs. 2.00 lacs''*

The learned Arbitrator has dealt with all the six claims together and rejected the same. The scope of this Court to interfere with the arbitration award is very limited. The arbitration award has already been made rule of the Court and appeal against the same has been dismissed.

In view thereof, there is no scope for interference. Hence the civil revision petitions are dismissed.

20th December, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : YES/NO
Whether reportable : YES/NO