

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

**CR No.5120 of 2017 (O&M)
Date of decision: 18.09.2017**

Union of India and others

...Petitioners

Versus

M/s Chaman Lal Gupta

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Udit Garg Advocate,
for the petitioners.

Ritu Bahri, J.

Challenge in this petition is to the order dated 01.02.2016 passed by the Additional District Judge, Pathankot, whereby appeal filed by Union of India and others (petitioners herein) against the judgment dated 28.02.2014 has been dismissed.

The Union of India had filed the aforesaid appeal on a short ground that the Arbitrator, while passing of the Award dated 12.12.2003, had exceeded its jurisdiction in awarding the amount with regard to extra works, which were done by the contractor pursuant to the agreement between the parties.

A perusal of the impugned judgment shows that vide order dated 12.06.1993, Sh. G.K. Dhir, the then SJIC, Pathankot, had given a finding that the dispute existed with regard to the fact, as to whether extra works were to be taken from the applicant or not and the following issues were framed:-

1. Whether the applicant accomplished the contract works within

the period of completion of works stipulated in agreement or as to whether he committed default in fulfilling all the terms of the contract?

2. Whether applicant had to undertake extra works and entitled to payment for those works or not?
3. Whether the respondents have withheld the payments without any cause and if so, whether applicant entitled to interest or to damages for the delayed payment? The quantum of interest or damages.

Against this order, an appeal was filed, which was dismissed by the Court of Sh. U.S. Gera, the then Additional District Judge, Gurdaspur, by holding that the dispute between the parties was liable to be referred to the Arbitrator.

The Arbitrator had passed an Award dated 12.12.2003 and awarded an amount of Rs.70,933.72/- in favour of respondent No.1. This Award was challenged by filing Arbitration Case No.25 of 2010, which was dismissed vide judgment dated 28.02.2014. Appeal against the said judgment was dismissed by the District Judge, Pathankot on 01.02.2016.

After going through the impugned judgments, this revision deserves to be dismissed because the Union of India is not disputing the fact that the contractor had done some extra works while executing the contract. A specific issue was also framed with regard to this fact on 12.06.1993.

The only question for consideration is, whether the amount awarded by the Arbitrator can be withheld by Union of India or not.

The answer to this question would be negative. Moreover, learned counsel for the petitioners (Union of India) has not been able to cite any law

contrary to the findings given in the impugned judgments. Admittedly, extra works had been done by respondent No.1 while performing its part of the contract. Once, a specific issue had been framed and the Arbitrator had given his findings after appreciating the entire evidence, this Court does not deem it appropriate to interfere in the impugned judgments.

Resultantly, finding no merits, the present petition is dismissed.

18.09.2017
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No