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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-6451-2013

Date of decision : 17.03.2017

Puran Singh (deceased through LRs)

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Nakul Sharma, Advocate
for the petitioner.

Mr. Yatinder Sharma, Addl. A.G., Punjab.

Mr. Raman Goklaney, Advocate
for respondent Nos.4 & 5.

AMIT RAWAL, J. (ORAL)

The petitioner is aggrieved of the impugned award, though which is appealable under Section 68 of the Punjab Cooperative Societies Act, 1961 (for short 'the 1961 Act'), but straightaway approached this Court. The award pronounced entails into a liability of the petitioner to the extent of ₹ 2,39,907/- (₹ 2,00,000/- principal amount + ₹ 39,644/- interest @ 11.5% & cost etc.).

Mr. Nakul Sharma, learned counsel appearing on behalf of the petitioner submits that the petitioner had approached this Court for settlement of the amount and in pursuance to the interim order passed by this Court, the petitioner had already been deposited a sum of ₹ 2,00,000/- as principal amount. The only point, which is to be decided, is with regard

to the waiver of the interest.

On the contrary, Mr. Raman Goklaney, learned counsel appearing on behalf of respondent Nos.4 & 5, submits that the interest @ 11.5% is very innocuous. The petitioner intentionally avoided to pay the same. The award is a decree and cannot be debated until and unless set aside by the higher Court.

I have heard the learned counsel for the parties and appraised the paper book. Once the petitioner has not availed the alternative remedy to challenge the arbitration award and has straightaway come to this Court, in essence, has accepted the award, there cannot be any deviation to the award, which is a decree. The petitioner has already deposited a sum of ₹ 2,00,000/- and the same shall be taken as principal amount. The interest factor is required to be complied with as the pendency of the writ petition since 2013, has not arrested the running of the interest period.

Keeping in view the aforementioned facts and circumstances, I do not find any illegality and perversity in the impugned order, much less, no ground is made out for interference and accordingly, the present writ petition is dismissed.

17.03.2017
Yogesh Sharma

(AMIT RAWAL)
JUDGE

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Whether speaking/reasoned **Yes/ No**

✓

Whether Reportable **Yes/ No**