

**X-objec-59-CII-2013 in/and  
FAO-1321-2003(O&M)**

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

**X-objec-59-CII-2013 in/and  
FAO-1321-2003(O&M)  
Date of decision : 16.11.2018**

**Haryana State Agriculture Marketing Board  
and another**

**..... Appellants**

**versus**

**Shri Dev Salwan and another**

**..... Respondents**

**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

**\*\*\***

**Present: Mr. Ashwani Talwar, Advocate for the appellants.**

**Mr.S.M.Sharma, Advocate for the respondent No.1-cross  
objector.**

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**AJAY TEWARI, J. (ORAL)**

This appeal has been filed against the judgment and order of the Additional District Judge, Kurukshetra, dismissing the objections filed by the appellant under Section 34 of the Arbitration and Conciliation Act,1996(for short 'the Act').

Brief facts are that respondent was allotted contract for construction of link road from Bapda-Bapdi to village Bhoot Majra. After the contract came to an end, disputes arose which were referred to the arbitrator. Superintending Engineer was appointed as arbitrator. The appellant had also made certain claims, the first one being that the work was incomplete but the arbitrator found that nothing has been mentioned as to which portion of the work was incomplete and consequently rejected the

claim. The second claim of the appellant was for litigation charges which was also rejected. Learned counsel has argued that the arbitrator has exceeded his jurisdiction by awarding interest. It is averred that the arbitrator has not exceeded his jurisdiction since the interest has been awarded on the security amount, however, the remaining award has been kept in tact and in view of Section 31(7)(b) of the Act.

Learned counsel for the appellant has argued that as per the contract the award had to be a reasoned award but no reasons have been given. Learned counsel for the respondents has taken me through the award and I find that arbitrator had assigned reasons for whatever has been awarded. As regards granting of pendente lite interest by the arbitrator, that has been set aside in the impugned order.

In the circumstances I find no reason for interference and consequently the appeal is dismissed.

Learned counsel for the objector has stated that he has also filed cross objections with the appeal and states that he does not press his cross objections. Resultantly the same are also dismissed.

**( AJAY TEWARI)  
JUDGE**

**16.11.2018**  
**sunita**

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |