

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

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**FAO-1542-2018 (O&M)
Date of Decision : 10.5.2018**

**Punjab State Power Corporation Limited through its Additional
Superintending Engineer (Mechanical), Patiala**

..... Appellant

Versus

M/s Geo Miller & Company Private Limited and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Vinod S. Bhardwaj, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the order of the Additional District Judge, Patiala dated 02.11.2017 dismissing a petition filed under Section 34 of the Arbitration and Conciliation Act, 1996 (for short 'the Act') filed by the appellant.

Brief facts of the case are that the respondent No.1 had been given the contract for design, engineering, supply, erection, plant, manufacture, testing and commissioning of Effluent Treatment Plant at GNDTP, Bathinda at a price of Rs.7,36,50,000/- (Rupees Seven Crore Thirty Six Lakh Fifty Thousand Only) with a scheduled completion period of 18 months plus 3 months for PG Test (i.e. 01.09.2005). The contract was completed much beyond the scheduled time allocated. Thereafter, disputes having arisen the respondent No.1 submitted a claim to the Arbitrator where

the main issue was of delay and time extension. As regards the delay, the Arbitrator held that the major delay occurred due to incoming power supply and on the basis of documents executed by the appellant itself, the Arbitrator held that the appellant had accepted that the delay due to incoming power supply and the delay due to installation of PIC system is not attributable to the respondent No.1. Ultimately, the Arbitrator passed the Award of Rs.1,25,33,178/- (Rupees One Crore Twenty Five Lakh Thirty Three Thousand One Hundred & Seventy Eight Only) in favour of the claimant-respondent No.1 against the claim of Rs.4,18,09,711/- (Rupees Four Crore Eighteen Lakh Nine Thousand Seven Hundred & Eleven Only) with further interest @ 12% from 10.02.2015 till the date of payment in case the awarded amount is not paid within 4 months. The appellant challenged the Award by filing a petition under Section 34 of the Act. The Court dismissed the petition by holding that delay in completing the project was not attributed to the respondent No.1. Further it was held that time was not the essence of the contract.

Learned counsel for the appellant has argued that the Court had wrongly dismissed the petition under Section 34 of the Act.

I have gone through the record and find that the Court had correctly examined the award within the parameters of Section 34 of the Act and rightly held that the Arbitrator heard the learned counsel for the parties, perused all the documents and passed the award according to the material placed on the file and that there was no perversity in the same.

In the circumstances, the appeal is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

May 10, 2018
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(AJAY TEWARI)
JUDGE

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