

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

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**CM-16046-CII-2017 in/and
FAO-5215-2017 (O&M)
Date of Decision : 29.11.2018**

The Principal Secretary to Govt. of Punjab and Another Appellants

Versus

M/s Longia Brothers and Another Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Ms. Amarjit Kaur Khurana, D.A.G., Punjab
for the appellants.

AJAY TEWARI, J. (Oral)

CM-16046-CII-2017

For the reasons recorded, the application is allowed. Delay of 18 days in filing the appeal is condoned.

FAO-5215-2017 (O&M)

This appeal has been filed against the impugned order dated 24.03.2017 dismissing the objections of the appellants under Section 34 of the Arbitration and Conciliation Act, 1996 against the award dated 14.08.2012.

Brief facts of the case are that the respondent – firm was awarded work for providing lowering, jointing and cutting of sewer pipe, construction of manhole chamber and all other works contingent thereto at Village Kullar, Block Shahkot, District Jalandhar. Thereafter the disputes arose between the parties with regard to final bill submitted by the respondent -firm and the respondent – firm filed a claim before the Arbitrator for certain short payments and interest etc. which was partly

allowed by the Arbitrator. Objections against the same having been dismissed the State of Punjab is before this Court.

The argument raised by the learned Deputy Advocate General is that the Arbitrator did not take into account the fact that the delay in payment was caused because the work had to be checked and the respondent -firm was not cooperating with the same. In my opinion, this argument is not of much avail. There is no reason why the supervisory staff of the appellants were not checking the work contemporaneously. The Arbitrator has noticed that the final bill was sent to the SDO by the respondent-firm in May, 2008 but no action was taken thereon for two years and after two years it was informed that the work has to be checked. The Arbitrator further relied upon various provisions of the PWD Manuals in awarding the different sums.

Having heard the learned Deputy Advocate General on two occasions and having gone to the entire record, I am not satisfied that the appeal filed by the appellants falls within the parameters of Section 34 of the Act. Appeal is dismissed.

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

November 29, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No