

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

125

FAO No.3617 of 2018 (O&M)

Date of decision: 02.07.2018

State of Haryana through the Executive Engineer,
Public Health Engineering Division No.2, Hisar,
Tehsil and District Hisar

..... Appellant

Versus

M/s Sukhdev & Company and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Saurabh Girdhar, AAG, Haryana.

ANIL KSHETARPAL, J. (ORAL)

CM-12548-CII-2018

Application is allowed and the delay in filing the appeal is
condoned.

CM-12546-CII-2018

Application is allowed and the delay in re-filing the appeal is
condoned.

Main Case

This appeal has been filed against the order passed by the
learned Additional District Judge dated 13.12.2016 partly allowing the
objection petition under Section 34 of the Arbitration and Conciliation Act,
1996. Before the Arbitrator, there were four claims made. The learned
Arbitrator has rejected claim No.3. Learned Additional District Judge
while deciding the objections under section 34 has also rejected the claim
No.1. Hence, the only dispute which remain is release of security deposit

deducted by the appellant from the running bills of the respondent-contractor worth of Rs.89,326/-. Claim No.4 is entitlement of the claimant to the amount found payable along with interest. There cannot be any dispute with regard to release of security deposit deducted from the running bills of the contractor. The only dispute is with regard to entitlement of the interest on the amount found payable to the contractor. The learned Arbitrator has awarded interest @ 15% w.e.f. 01.07.1995. The dispute in the present case is arising out of a commercial contract and therefore, the interest awarded by the Arbitrator is not excessive.

In view thereof, there is no scope for interference with the order passed by the Court.

Appeal is dismissed.

02.07.2018

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No