

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

**CM No. 23823-CII of 2017 in/and  
Civil Revision No. 5168 of 2009 (O&M)  
Date of Decision: 05.04.2019**

Union of India through Garrison Engineer  
(Air Force) Adampur

..... Petitioner

**Versus**

M/s. Jaswant Singh and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH**

Present: None for the petitioner-Union of India.

Mr. Anil Sharma, Advocate  
for respondent No. 1-M/s. Jaswant Singh (Contractor).

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**JASWANT SINGH, J. (ORAL)**

Respondent No. 1-M/s. Jaswant Singh (hereinafter to be referred as “Contractor”), a Proprietorship Firm, was given a contract by the Union of India through Garrison Engineer (Air Force), Adambpur for execution of certain civil works commencing w.e.f. 23.02.1994 and completion by 22.06.1994. The time was extended for completion of the work at the request of Contractor in terms of Condition No. 11 of the Contract/Agreement, the work got actually completed on 28.02.1996. Due to dispute raised by the Contractor, an Arbitrator, Sh. Jainesh Kumar, Superintending Engineer (respondent No. 2) was appointed as a sole Arbitrator. The Arbitrator passed an award and awarded an amount of ₹ 62,870/- in favor of the Contractor against various claims plus 15% past interest and 10% *pendente lite* and arrears on the awarded amount from the date of award till its actual realization.

The petitioner-Union of India (UOI) filed an Objection Petition under Section 34 of the Arbitration and Conciliation Act, 1996 against the Award dated 30.11.2006, which was dismissed in default vide order dated 07.06.2007 passed by the District Judge, Jalandhar, due to non-representation, while the case was pending at the stage of the service of Arbitrator.

Hence, the present Revision Petition.

This Court, while “Admitting” the appeal vide order dated 19.11.2009, had stayed the execution proceedings.

Now, an application bearing *CM No. 23823-CII of 2017* has been filed by the Union of India (petitioner) for fixing an actual date of the main case, which is listed at Sr. No. 412 on the Regular Board of this Court.

Upon notice of the aforesaid application, Mr. Anil Sharma, Advocate, appearing for the Contractor (respondent No. 1) states that he, on instructions, does not only have no objection for allowing the said application and the main case to be taken up today itself, but also for allowing the main revision petition, while setting aside the impugned order dated 10.06.2009 with a further direction to the District Judge, Jalandhar to decide the Objection Petition filed by the UOI on merits within a fix time frame. Counsel for the Contractor also states that the said concession is being made without going into the merits and demerits of the contentions raised in the present revision petition, so as to have an early and final adjudication of his rights/claim.

In view of the above concession made by counsel for respondent No. 1/Contractor, the aforesaid application bearing

CM No. 23823-CII of 2017 is **allowed**; the **main case** is taken up today itself, which is being also **allowed**. The **impugned order dated 10.06.2009** is **set aside**. The **parties** are **directed** to **appear** before the District Judge, Jalandhar on **07.05.2019**. The Objecting Court shall finally decide the objections filed by the Union of India under Section 34 of the Arbitration and Conciliation Act, 1996, within a period of six months from the date of appearance of the parties.

Since the main case has been decided, no orders are required to be passed in the pending miscellaneous application(s), the same stand(s) disposed of.

**April 05, 2019**  
'dk kamra'

**( JASWANT SINGH )**  
**JUDGE**

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