

**226 IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH****CR-7934-2016****Date of decision: 24<sup>th</sup> April, 2023**

State of Punjab and another

...Petitioners

Versus

V.K. Construction Company Pvt. Ltd.

...Respondent

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. Charanpreet Singh, Assistant Advocate General, Punjab.  
Mr. V.K. Sachdeva, Advocate and  
Mr. Pulkit Sachdeva, Advocate for the respondent.

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**AVNEESH JHINGAN, J (Oral):**

1. This revision petition is filed aggrieved of orders dated 30<sup>th</sup> November, 2004 (Annexure P-1) and 29<sup>th</sup> August, 2016 (Annexure P-2) respectively.

2. The brief facts are that on 8<sup>th</sup> October, 1985 respondent was allotted a work for construction of SYL Canal from 38.00 km to 39.500 km and 43.00 km to 45.00 km stretch. The arbitration was initiated at the instance of the respondent and proceedings culminated in award dated 28<sup>th</sup> August, 2000. The award was made rule of Court on 20<sup>th</sup> November, 2001. The appeal filed by the petitioner was dismissed on 28<sup>th</sup> July, 2009 and the award attained finality. Respondent filed a execution on 1<sup>st</sup> March, 2002 claiming an amount of ₹4,99,30,803/-. Petitioner filed an application seeking refund of excess amount paid of ₹1,91,13,400/- which was dismissed on 15<sup>th</sup> April, 2004 and not challenged thereafter.

3. During the pendency of the execution proceedings, the properties of the petitioners were attached. The application filed by the

petitioners for detachment of property was dismissed on 30<sup>th</sup> November, 2004 by holding that amount ₹67,63,045/- was outstanding as on 15<sup>th</sup> June, 2004. The civil revision petition against order dated 30<sup>th</sup> November, 2004 filed by the petitioner was disposed of on 18<sup>th</sup> January, 2010 with a direction that let rights of party accruing from the decree be adjudicated in execution proceedings. On 29<sup>th</sup> August, 2016, the Executing Court directed the petitioners to make payment of ₹67,63,045/- till 15<sup>th</sup> June, 2004, hence, the present petition.

4. Learned counsel for the petitioners submits that as per the award escalation cost to be paid to the respondent was to be calculated by the petitioners. Further that petitioners were found entitled to adjustment of ₹ 5,15,740/- under claim No. 6 and ₹1,95,844/- under claim No. 8. He on instructions from Mr. Amit Sabherwal, Executive Engineer, Kandi Canal-3, WRD, Punjab, Hoshiarpur submits that petitioners will file a fresh calculation before the executing Court to demonstrate that after adjusting the two amounts mentioned above no amount is payable to the respondent.

5. Learned counsel for the respondent is not disputing the fact that the two claims of the petitioners are to be adjusted.

6. The impugned order dated 29<sup>th</sup> August, 2016 is set aside. The petitioners shall within fifteen days from today furnish the calculation before the Executing Court demonstrating that after adjusting ₹5,15,740/- and ₹1,95,844/- the amount due to the respondent has already been paid. The Executing Court shall decide the issue without being influenced by observations made in the impugned order.

7. Considering that the award is of 2000, the executing court with the co-operation of the parties will make an endeavour to conclude the execution proceedings at the earliest not later than three months from the

date of receipt of certified copy of the order.

8. Since the main petition is disposed of, pending application, if any is rendered infructuous.

[AVNEESH JHINGAN]  
JUDGE

24<sup>th</sup> April, 2023  
*Parveen Sharma*

1. Whether speaking/ reasoned
- :
- Yes / No
2. Whether reportable
- :
- Yes / No