

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

C.R. No. 4956 of 2019 (O&M)

DECIDED ON: 24th January, 2023

M/s Mehar Singh and sons

.....PETITIONERS

VERSUS

Union of India

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Dheeraj Mahajan, Advocate for petitioner.

Mr. Sandeep Bhatia, Advocate for respondent.

AVNEESH JHINGAN, J (ORAL)

This revision petition is filed aggrieved of order dated 18.7.2019 passed by the Executing Court declining the request for grant of interest from 8.6.2011 instead of 20.2.2014.

The brief facts are that petitioner was allotted a tender for construction work. Clause 25 of the General Terms and Conditions provides for dispute resolution through arbitration. There was dispute between the parties and matter was referred to the Arbitrator which cumulated into award dated 16.1.2017. As per the award, the claimant was entitled to interest at the rate of 18% from the date of "cause of action i.e. filing of the claim petition till passing of the award". It is not disputed that no objection under Section 34 of the Arbitration and Conciliation Act, 1996 (for short 'the Act') against the award were filed.

Learned counsel for the petitioner submits that in terms of Section 21 of the Act, the arbitration proceedings commenced from the day when the claim was raised hence the interest should be calculated from 8.6.2011.

Learned counsel for respondent opposes the prayer and defends the

impugned order.

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The contention raised by Learned counsel for petitioner is devoid of merit. The award is specific that the claimant shall be entitled to interest from the date of cause of action and the date of cause of action has been clarified by stating that it would be from the date of filing of the claim petition. The law is well settled that the Executing Court in execution cannot go beyond the award.

There is no legal or factual error in the impugned order calling for interference.

The petition is dismissed.

Since the main case has been dismissed, pending application, if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

24th January, 2023
reema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>