

2023:PHHC:042762

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

**FAO-3630-2021 (O&M)
Date of Decision: 22nd March, 2023**

M/s Ekta Builders

... Appellant

Versus

Union of India and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. S.P. Garg, Advocate for the appellant.
Mr. Sudhir Nar, Sr. Panel Counsel
for respondents No. 1.

AVNEESH JHINGAN , J.(Oral)

1. This appeal under Section 37 of the Arbitration and Conciliation Act, 1996 (for short 'the Act') is filed aggrieved of dismissal of objections under Section 34 of the Act.

2. The facts in brief are that the appellant was allotted work for maintenance of hospital building in DCW Complex, Patiala. The terms and conditions of the contract provided for dispute resolution through arbitration. At the instance of the appellant, sole arbitrator was appointed and the proceedings culminated in award dated 24.5.2016. The appellant was awarded refund of the earnest money of Rs.20,000/- along with interest accrued thereon, if any; refund of security amount of Rs.71,904/- along with interest accrued thereon, if any and a sum of Rs. 1,36,363/- in context to work executed by the appellant. No interest was awarded relying upon the circular of the Railway Board.

3. The grievance raised by the learned counsel for the appellant is that though the interest was granted for the period from passing of the award till payment but interest *pendente lite* was not awarded.

4. Learned counsel for the respondent submits that as per the terms and conditions of the agreement there was no clause for grant of *pendente lite* interest.
5. The scope of interference under Section 37 of the Act is limited. Reference in this regard is made to the decision of the Supreme Court in *Haryana Tourism Ltd. v. M/s Kandhari Beverages Ltd., 2022(3) SCC 237*.
6. From the perusal of the award, it is forthcoming that Arbitrator has given reasons for not awarding the *pendente lite* interest. It is not disputed that there were no terms and conditions agreed between the parties for the interest. In such circumstances, it would not be open for this Court to sit in appeal over the conclusion arrived at by the arbitrator, more so, when view taken is plausible.
7. Appeal is dismissed.
8. Since the main case has been dismissed, the pending application(s), if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

22nd March, 2023
anuradha

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No