

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

FAO-7144-2018 (O&M)
Date of decision: 18th April, 2023

M/s Ashwani Saini through Prop. Ashwani Saini
...Appellant
Versus
Union of India and another
...Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Dheeraj Mahajan, Advocate for the appellant.

AVNEESH JHINGAN, J (Oral):

1. This appeal is filed under Section 37 of the Arbitration and Conciliation Act, 1996 (for short 'the 1996 Act').
2. The brief facts are that the appellant was allotted a tender for Through Sleeper Renewal in Section DENIII/Jalandar-Amritsar. While carrying on this work, the appellant undertook a work under Beas Section. The appellant completed the work. A dispute arose that the appellant while performing the work allotted also undertook work at Beas Section which was entered into the measurement book but payment was not made. Claim was rejected by arbitrator on the ground that the claim made for Beas section is beyond the terms agreed between the parties in the tender. The objections filed under Section 34 of the 1996 Act, were dismissed on 23rd March, 2017, hence the present appeal.
3. Learned counsel for the appellant after arguing for some length restricts his prayer that he is not pressing the appeal, however, seeks liberty to avail remedies in accordance with law for recovery of the amount in question for the work executed at Beas.
4. Dismissed as not pressed with liberty as prayed for.

**[AVNEESH JHINGAN]
JUDGE**

18th April, 2023
Parveen Sharma

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