

2023:PHHC:061715
Civil Revision No. 7752 of 2019 and connected case [1]

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

Date of decision: 1st May, 2023

(1) Civil Revision No. 7752 of 2019 (O&M)

Guru Nanak Electrical

Petitioner

Versus

Punjab State Power Corporation Ltd.

Respondent

(2) Civil Revision No. 7760 of 2019 (O&M)

Punjab Transformers and Electronics Ltd.

Petitioner

Versus

Punjab State Power Corporation Ltd.

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Tribhawan Singla, Advocate for the petitioner(s).
Mr. Anmol Puri, Advocate
for the respondent (in CR-7752-2019).

AVNEESH JHINGAN, J (Oral):

1. The afore-mentioned two petitions are being disposed of by a single order as the issue raised and facts are similar.
2. The facts of CR No. 7752 of 2019 are being considered.
3. This revision petition is filed aggrieved of order dated 6.8.2019 whereby the application of the petitioner (decree holder) claiming compounding of interest was dismissed.
4. The brief facts are that the respondent placed an order on petitioners for supply and repair of transformers. The petitioner was registered under The Micro, Small and Medium Enterprises Development

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Act, 2006 (for short, 'MSME Act'). The dispute between the parties was referred for arbitration at the instance of the petitioner. The proceedings culminated in award dated 14.6.2010. The claim of the petitioner to the tune of Rs.18,87,227/- was allowed. Future interest @ 19.5% per annum w.e.f. 1.8.2009 till the date of realisation was awarded. The petitioner had not assailed the award. The respondent was unsuccessful in objections under Section 34 of the Arbitration and Conciliation Act, 1996 (for short 'the Act') as well as in appeal under Section 37 of the Act. During execution proceedings, the petitioner claimed that interest be calculated with monthly rests. The executing court held that in execution, court cannot travel beyond the award.

5. Learned counsel for the petitioner submits that under MSME Act, the interest is to be calculated by giving monthly rests.

6. The contention of learned counsel for the petitioner is noted to be rejected. It is an undisputed fact that the petitioner had not assailed the award and was satisfied with the amount and the interest awarded. It is a trite law that the executing court cannot travel beyond the award.

7. In such circumstances, no case is made out for interference.

8. The petitions are dismissed.

9. Photocopy of the order be placed on the file of connected case.

[AVNEESH JHINGAN]
JUDGE

1st May, 2023
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1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No