



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.218

CR No.6695 of 2016
Date of Decision: 06.05.2025

M/s Nagarjuna Construction Co. Ltd.

... Petitioner

Versus

Punjab Health System Corporation

... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: None for the petitioner.

Mr. Ankit Chowdhri, Advocate, for
Mr. P.I.P. Singh, Advocate, for the respondent.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed for setting aside the order dated 29.07.2015 passed by the Executing Court whereby the execution application filed by the petitioner/deGREE holder has been dismissed as having been satisfied.

2. As per facts apparent on record, an agreement dated 16.04.2001 relating to construction of new Dr. Vidya Sagar Institute of Mental Health at Amritsar was entered into between the parties. The disputes thereof were referred to the Arbitrator who passed the award dated 07.09.2006, Annexure P-1, allowing compensation of ₹5,52,500 to the petitioner/deGREE holder with interest at the rate of ten per cent per annum as stipulated in the agreement. The deGREE holder filed an execution application before learned Additional District Judge, Chandigarh, which was decided vide the impugned order, dated 29.07.2015, by holding as under:

The request is turned down because had intention of arbitrator was to grant interest with monthly rest, he would have mentioned so in the award, as done by him in various other awards passed between parties to the petition (as so disclosed by both the



counsel). Even otherwise, had there been any ambiguity, DH would have applied before the arbitrator seeking clarification. On one hand, award is silent on the point of compound interest, on the other hand, no application was ever moved by DH to seek clarification. This court being executing court cannot go beyond the terms of award, whereby interest @ 10% per annum has been granted. Non mention of compound interest in the award leads to the single inference that no such relief was granted and as such this court cannot direct the JD to pay compound interest.

As observed earlier, learned counsel for DH stated at bar that awarded amount with interest @ 10% per annum has already been paid by JD, the execution petition stands satisfied. Resultantly, present execution petition stands dismissed being satisfied. File be consigned to records, after due compliance.

The order has been challenged in the instant petition on the ground that the petitioner is entitled to compound interest on the awarded amount of compensation.

3. Learned counsel for the respondent contends that there is no basis to claim that the petitioner/deGREE holder is entitled to compound interest at the rate of ten per cent with monthly rests, as the same was never granted nor was there any stipulation to that effect in the agreement entered into between the parties. The awarded amount has already been paid along with interest to the petitioner/deGREE holder as recorded in the impugned order itself.

4. After considering the submissions and perusing the impugned order dated 29.07.2015, this Court finds no ground to interfere in the matter, as the awarded amount along with interest at the rate of ten per cent per annum has already been paid to the petitioner, and the liability stands discharged.

5. Dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

06.05.2025

Maninder	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No