

Sudhir Bros. Vs. Delhi Development Authority and Another

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Court : Delhi

Decided On : Oct-28-1993

Reported in : 1994(1)ARBLR97(Delhi); 52(1993)DLT331

Judge : P.N. Nag, J.

Appeal No. : Suit No. 1982 of 1991 and I.A.'s Nos. 12213 of 1991 and 1409 of 1992

Appellant : Sudhir Bros.

Respondent : Delhi Development Authority and Another

Advocate for Pet/Ap. : Harish Malhotra, Adv

Judgement :

Mr. P.N. Nag, J.

1. Disputes having been arisen between the petitioner and respondent No. 1 out of an Agreement No. 10/EE/CD-I/1981-82 for 'Construction of 64 three bed rooms (Type III) 64 two bed rooms (Type II) and 96 Scooter Garages under S.F.S. At Pitampura, Pocket L. Dakshini I/C Internal Services', the same were referred to the sole arbitration of Shri V. D. Tiwari who was appointed by Engineer Member, D.D.A. vide letter No. EM 2(42)83/Arbn./3726-30 dated 12.3.1990, who after having entered upon the reference gave an award dated 31.2.1991 in favor of the

petitioner for an amount of Rs. 15,50,780/- along with certain rates of interest as mentioned in the award.

2. The aforesaid award dated 31.5.1991 has been filed into this Court. The respondent DDA, has filed objections by way of is 1409/92 under Sections 30 & 33 of the Arbitration Act against the award.

3. The petitioner also filed objections by way of is 12213/91 under Sections 30 & 33 of the Arbitration Act against the award.

4. Counsel for the petitioner seeks permission of this court to withdraw is 12213/91. Permission is hereby granted and is 12213/91 dismissed as withdrawn.

5. So far as is 1409/92 is concerned, none has put in appearance on behalf of the objector/DDA though the matter has been appearing in the cause list in the category of 'Short Cause' since 24.9.1993. That matter was also called out by this court on 26.10.1993 but none appeared for the respondents but in the interest of justice no orders were passed on that date. therefore, the objections filed by the DDA (by way of is 1409/92) stand unsubstantiated. is 1409/92 is, therefore, dismissed.

6. I have perused the award and to my mind there is no error apparent on the face of the record. The award 31.5.1991 given by the arbitration, marked Ext. C-1, consequently is made a rule of the court and decree passed in terms thereof. Ext. C-1 shall form part of the decree. The petitioner shall also be entitled to interest @ 12% p.a. from the date of the decree till its realisation. In the circumstances of this case, I make no order as to costs.

7. Order accordingly.