

JUDGMENT SHEET

**ISLAMABAD HIGH COURT**  
**ISLAMABAD**

**C.S. No. 70/2011**  
**Arbitration Petition**

**M/s M.A. Aleem Khan & Sons (PVT) Ltd (Claimant)**

Versus

**Pakistan Telecommunication Employees Trust (Respondent)**

Petitioner/Plaintiff by: Mr. Bilal A. Khawaja and Muhammad  
Nasir Khan, Advocates  
Respondent/Defendant by: Mr. Sajid A. Qureshi, Advocate  
Date of decision: 30-11-2011

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**Riaz Ahmad Khan J:-** Parties in the instant case had agreed to decide the case through arbitration. With the consent of the parties, arbitration proceedings were initiated and Award was filed by the Arbitrator in this Court. Learned counsel for the plaintiff/claimant M.A. Aleem Khan, Advocate, had no objection, whereas objection was filed on behalf of defendant/objector/respondent.

2. Learned counsel for the defendant/ objector raised the first objection that Award was issued after about six months of the completion of arbitration proceedings. The second objection was that the Award was issued on stamp paper, which was not properly valued and the third objection was that the learned Arbitrator awarded interest at the rate of 14% with effect from the date of Award till the payment of amount.

3. The objections were resisted by the learned counsel for the claimant/plaintiff and in support of his contentions, he referred to 1998 SCMR 816, PLD 1990 S.C. 359 and AIR 1949 Allahabad 399.

4. I have heard learned counsel for the parties and have also perused the record.

5. As far as the objection regarding interest is concerned, the learned counsel for the claimant/plaintiff conceded to the objection of objector/defendant and submitted that according to law the Arbitrator could award interest upto the date of award and not beyond that. He, however, added that this Court had the jurisdiction to award interest after date of Award till the date of payment, if deems proper and the Award can be amended in that respect. Since the interest has been awarded after appreciation of evidence produced by the parties before the Arbitrator, therefore, without interfering in the findings, the objection is accepted and the Award is amended to the extent that the interest awarded would be considered upto the date of Award and not beyond that.

6. As far as objection regarding limitation is concerned, learned counsel for the claimant/ plaintiff relying on PLD 1990 SC 559, submitted that the objector had participated in the proceedings of arbitration. No objection was raised, so this Award cannot be challenged simply on the ground that it was issued beyond the prescribed time. Learned counsel for the objector submitted that he did not want the annulment of the Award, however, only wanted to bring it to the notice of the Court that the Award was issued after a long time. It is admitted that both the parties had participated in the award and learned counsel for the defendant/objector admitted that no prejudice has been caused by issuance of Award at a later stage, so in these circumstances, this objection is repelled.

7. So far as last objection regarding stamp duty is concerned, learned counsel for the objector submitted that the stamp duty required was Rs.30/-. The award shows that it was written on stamp paper of Rs.100/-, so this objection is without any substance and the same is accordingly repelled.

8. In view of the above mentioned facts, the award is amended to the extent that the interest awarded would be considered upto the date of award and is accordingly, made Rule of the Court.

**(RIAZ AHMAD KHAN)**  
*Judge*

*Wajid*