

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

Decided on : 14.08.2015

1. FAO No.2154 of 2011

The Society for promotion of Youth and Masses Appellants

vs.

Mewat Development Agency & anr.

.... Respondents

2. FAO No.2155 of 2011

The Mewat Social & Education Development Society

.... Appellant

vs.

Mewat Development Agency & anr.

.... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Ranjan Lakhanpal, Advocate
for the appellants.

Mr. R.K.Hooda, Advocate
for respondent No.1.

Amit Rawal, J.(Oral)

This order will dispose of two appeals bearing FAO Nos.2154 and 2155 of 2011 as common questions of law and facts are involved in these appeals. The brief facts of case are being taken from FAO No.2154 of 2011.

The challenge in the present appeal is to the order dated 02.12.2009, whereby the objections filed under Section 34 of the Arbitration and Conciliation Act, 1996 (for short 'the Act') have been dismissed on merit and on the ground of limitation.

Learned counsel for the appellants submits that the petition has been filed within a period of limitation from the knowledge of the award, therefore, the trial court has erroneously and perversely rendered a finding on issue No.3 against the appellant. Even on merits, there are sufficient grounds to set aside the award dated 30.03.2005.

Learned counsel for the respondents submits that the objections have been filed on 24.09.2005, i.e. beyond 120 days and there is no provision for seeking condonation of delay as the Act itself excludes the applicability of Limitation Act, 1963.

I have heard learned counsel for the parties and appraised the paper book.

Without commenting on the merits of the controversy, the fact remains that the objections have been filed on 188th day, which is beyond 120 days. The provisions of Section 34 of the Act provide a limitation within 90 days with an another 30 days by filing an application showing sufficient cause for delay, however, in the instant case, even that provision would not come to the aid of the appellants.

For the reasons afore-mentioned, the applicability of the Limitation Act has expressly been excluded as per provision of Section 34 of the Act.

In view of the above, there is no merit in the appeal. Both the appeals stand dismissed.

14.08.2015
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(Amit Rawal)
Judge