

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

F.A.O.No.3067 of 2011 (O&M)
Date of Decision: August 18, 2015

Punjab State Civil Supplies, Corporation, Chandigarh & another

...Appellants

Versus

**M/s Bhangu Rice and General Mills, Chamkaur Sahib, District Ropar &
others**

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Ms.Ritam Aggarwal, Advocate &
Ms.Deepali Puri, Advocate,
for the appellants.

Mr.S.P.Garg, Advocate,
for respondent Nos.1 to 3 and 5 to 7.

AMIT RAWAL, J. (Oral)

The challenge in the present appeal is to the order dated 8.11.2010 passed by the District Judge, Rupnagar, whereby the objections filed by the appellants have been dismissed on the ground of being barred by limitation.

Ms.Ritam Aggarwal and Ms.Deepali Puri, learned counsel appearing on behalf of the appellants submit that the objections against the award dated 29.12.2005 were filed on 30.3.2006, i.e., on 91st day in

Chandigarh. The Additional District Judge, Chandigarh, vide order dated 8.10.2008, returned the objections giving liberty to the appellants to file the same within the jurisdiction of Rupnagar and accordingly the said objections were re-filed on 24.12.2008 and, therefore, by taking the benefit of Section 14 of the Limitation Act (for short “the Act”), the objections cannot be said to be time barred and, thus, the District Judge has committed an illegality and perversity in dismissing the objections being barred by limitation.

Mr.S.P.Garg, learned counsel appearing on behalf of respondent Nos.1 to 3 and 5 to 7 submits that if the benefit of Section 14 of the Act is to be given to the appellants, even then the objections were re-filed almost 46 days thereafter, whereas the same should have been filed within 29 days from the date of return by subtracting the period of preparation of certified copy of the order and, therefore, the order of the District Judge is in accordance with law and not liable to be interfered with.

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

As per provisions of Section 34 of the Arbitration and Conciliation Act, 1996, the limitation to file the objections is 90 days, however, said period can be continued by another 30 days as per the proviso. In all, 120 days is permissible, during which the objections can be filed. The first objections were filed on 91th day and returned on 8.10.2008. The certified copy of the order was applied on 11.10.2008 and the same was prepared on 25.10.2008, but still there is no explanation as to what prevented the appellants to file the objections on 24.12.2008 without

explaining the delay of 46 days. Assuming that delay had been explained, yet the provisions of Section 5 of the Limitation Act do not apply as the same have been excluded in view of the plain and distinct language used in Section 34 of the Act.

There is no illegality and perversity in the order, whereby the objections have been dismissed being time barred/barred by limitation. The observation that the objections were barred by two years and eleven months, in my view, is not correct, whereas it was barred by 46 days.

Accordingly, the appeal is dismissed.

August 18, 2015
ramesh

(AMIT RAWAL)
JUDGE