

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

**FAO No.4305 of 2012 (O&M)
Date of Decision: March 27, 2015**

M/s Samra Rice & General Mills and another Appellants

vs.

Managing Director, PUNSUP and others Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Aman Bansal, Advocate for the appellants.

- 1. Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

The appellants have filed the present appeal against the order dated 09.11.2011 passed by learned District Judge, Faridkot, whereby the objections of the appellants under Section 34 of the Arbitration and Conciliation Act, 1996 (in short 'the Arbitration Act') against the Award dated 18.11.2004 passed the District Manager, PUNSUP was dismissed being time barred.

A perusal of the order shows that the Award was passed on 18.11.2004. Before the learned District Judge, Faridkot, Harinderjit Singh, partner of M/s Samra Rice & General Mills, one of the appellants had admitted that he had accepted the notice of arbitration proceedings and he had also engaged a counsel, who had attended the proceedings and led the evidence. He claimed that after

16.11.2004 till 2009, he did not contact his counsel. Though, he admitted that he had received notice of execution proceedings.

The respondent led overwhelming evidence in the form of entry in the despatch register, showing that the Award was communicated to the appellant on 19.11.2004. The courier slip and entry of the register were also produced to show that the notice of the Award was served upon the appellants and that it was received by Harinderjit Singh son of Bachitter Singh. After almost five years i.e. on 09.06.2009, objections under Section 34 under the Arbitration Act were filed and the same were dismissed being time barred.

As per Section 34(3) of the Arbitration Act, such objections can be filed within three months, which can further be extended by thirty days and not beyond that.

Since, the Court does not have the power to extend the limitation except for the period provided under Section 34(3) of the Arbitration Act itself, the filing of the objections after five years of passing of the Award, are patently time barred. Therefore, there is no illegality in the impugned order.

Consequently, the present appeal is dismissed.

March 27, 2015
sarita

(KULDIP SINGH)
JUDGE