

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

F.A.O.No.2407 of 2013 (O&M)
Date of Decision: August 10, 2015

Yamaha Motor India Private Limited, New Delhi

...Appellant

Versus

Balwinder Singh Gill

...Respondent

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: Mr.Rohit Khanna, Advocate,
for the appellant.**

**Mr.A.C.Jain, Advocate,
for the respondent.**

AMIT RAWAL, J. (Oral)

Mr.Rohit Khanna, learned counsel appearing on behalf of the appellant submits that the objections to the award dated 1.12.2007 were filed on 21.4.2008, i.e., on 108th day with an application for seeking condonation of delay, but the Principal Court at Delhi, vide order dated 5.12.2008, observed that though it did have the jurisdiction, but the fact remains that the other party had also filed objections before the Principal Court at Bhatinda and, therefore, returned the objections to the appellant with liberty to file the same at Bhatinda. He further submits that the aforementioned objections were filed before the Principal Court at

Bhatinda, but the same have been dismissed on the ground of delay.

Mr.A.C.Jain, learned counsel appearing on behalf of the respondent submits that the provisions of Section 14 of the Limitation Act, 1963 would not apply and, therefore, rightly so the Principal Court has rejected the objections vide impugned order.

I have heard the learned counsel for the parties.

It is well settled that the provisions of Section 14 of the Limitation Act would apply to the quasi-judicial authority, much less, judicial authority. There is no denial to the fact that the objections were filed on 108th day well within the parameters/provisions of Section 34 of the Arbitration and Conciliation Act, 1996. The impugned order declining the objections on the ground that the same have not been filed before the Principal Court within the time period, in my view, is not only erroneous, but fallacious, much less, capricious.

In view of what has been observed above, the impugned order dated 23.11.2012 is hereby set-aside and the matter is remitted back to the Principal Court, Bhatinda to decide the objections filed by the appellant afresh on merits.

It is expedient that the objections be decided as expeditiously as possible, preferably within a period of four months from the date of receipt of certified copy of this order.

The appeal stands allowed.

August 10, 2015
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(AMIT RAWAL)
JUDGE