

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

FAO No.426 of 2014 (O&M)

Date of decision: 14.07.2015

Union of India

..... Appellant

versus

M/s Lalit Bhatia and Company and another

..... Respondents

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. Parveen Chander Goyal, Senior Panel Counsel
for Union of India for the appellant

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)

Impugned in the present appeal is the order dated 4.9.2013, passed by the learned District Judge, Pathankot, vide which, in a petition under Section 34 of the Arbitration and Conciliation Act, 1996, an application for condonation of delay in filing the objection petition was dismissed on the ground that under Section 34 (3) of the Arbitration and Conciliation Act, 1996, objections have to be filed within three months. However, the Court could condone the delay of 30 days and not beyond that. The objections in this case were filed beyond the said statutory period i.e. Nine months and 25 days.

Learned counsel for the appellant has relied upon the authority of the Hon'ble Supreme Court in State of Goa v. M/s

Western Builders, AIR 2006 Supreme Court 2525(1). However, perusal of the authority shows that in the said case, the Supreme Court had held that Section 14 of the Limitation Act is attracted even in the arbitration case. A perusal of Section 14 of the Limitation Act shows that it pertains to exclusion of time of proceeding bona fide in other Court without jurisdiction. In the present case, it is not the case of the appellant that he had been pursuing his case before any other Court. The objections were filed against the award of the Arbitrator. Therefore, the said authority is not attracted.

It being so, there is no illegality or infirmity in the present appeal. Accordingly, the appeal is dismissed.

14.07.2015
gk

(Kuldip Singh)
Judge