

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

FAO No.7521 of 2015 (O&M)

Date of decision : 05.11.2015

Union of India and another

...Appellants

Versus

M/s M. Constructions and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

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

Present: Mr. Sandeep Vermani, Advocate for the appellants.

AMIT RAWAL, J. (Oral)

Challenge in the present appeal is to the order dated 11.08.2015, whereby objections filed u/s 34 of the Arbitration and Conciliation Act, 1996 for setting aside the award dated 10.06.2009 have been dismissed on the ground that objections were barred by law of limitation.

Mr. Sandeep Vermani, learned counsel appearing on behalf of appellants submits, that objections were filed while invoking the provision of Section 34 of the Act & it was accompanied by an affidavit but yet the Courts below have erroneously dismissed the same.

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

The Objecting Court while rejecting the objections gave following findings:-

“Learned counsel for the applicants stated that the award is dated 10.6.2009 and they could have filed the objections within a period of 90 days, which on sufficient grounds was extendable for a period of 30 days. The copy of award was posted by the Arbitrator on 11.06.2009 and received by them on 15.06.2009 and they had preferred their objections within time on 14.10.2009 and as such the same were within the period of limitation.

Learned counsel for the respondents meanwhile argued that the award having been passed on 10.06.2009 the limitation being 90 days the objections could have been filed till 10.09.2009 and even if further period of 90 days is extended, then the objections could have been filed by 10.10.2009 but the same having been filed on 14.10.2009 were beyond the period of limitation.

I have heard the learned counsel for the parties and have perused the file carefully.

A perusal of the file shows that admittedly the award has been passed on 10.06.2009 and the present applicants were the persons who had granted the contract to the respondents and they were well aware about the proceedings of arbitration being carried out and after the passing of the award on 10.06.2009 on the very next day by way of speed post the award was dispatched to them from Lucknow to Allahabad and the applicants failed to show that they had received the same on 15.06.2009 and no evidence by way of any document could be shown by them regarding not receiving the award till 14.06.2009 or

15.06.2009 when the period of limitation would start.”

In view of the fact that no plausible explanation has been given in not filing the objections within 90 days, the objections have been dismissed.

I do not intend to differ with the findings rendered by the Objecting Court as it cannot be said to be erroneous, much less, perverse.

Appeal is accordingly dismissed.

05.11.2015

pawan

**(AMIT RAWAL)
JUDGE**