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

FAO-1888-2010 (O&M)

Date of decision : 29.08.2016

Punjab State Warehousing Corporation

... Appellant

Versus

M/s Raj Paul & Company and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Harsh Aggarwal, Advocate
for the appellant.

Mr. S.K. Singla, Advocate
for respondent No.1.

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?

AMIT RAWAL, J. (ORAL)

The appellant-Punjab State Warehousing Corporation (for short 'the Corporation') is aggrieved of the dismissal of the objections under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter called 'the 1996 Act') for setting aside the Award dated 03.06.2005, whereby the claims have been rejected.

Mr. Harsh Aggarwal, learned counsel appearing on behalf of the appellant(s)-Corporation has drawn the attention to the claim to submit that the jurisdiction of the Arbitrator with claim of 1½ economic times was falling under Clause 5(v) (i) of the agreement, whereas it was under 5(iii), therefore, there is a misreading of the terms and conditions of the

agreement. As per Article 112 of the Limitation Act, 1963 (hereinafter called 'the 1963 Act'), the limitation to claim the amount for crop year 1996-97 is 30 years, therefore, the claim, aforementioned could not have been rejected, though the claim was lodged in the year 2002. The objections aforementioned were falling within the realm of Section 34 of the 1996 Act, but the same have been declined, thus, urges this Court for setting aside the findings under challenge.

Mr. S.K. Singla, learned counsel appearing on behalf of respondent No.1 submits that the appellant-Corporation is a Board and is not a part of Government and therefore, it would not be able to take the benefit of the provisions of Article 112 of the 1963, whereas the provisions of Article 137 of the 1963 Act would apply as the claim was lodged in the year 2002 for the crop year 1996-97, thus, urges this Court for affirming the findings under challenge.

I have heard the learned counsel for the parties and appraised the paper book and of the view that the appellant-Corporation cannot take the aid of the provisions of Article 112 of the 1963 Act as it applies to the Government, whereas the appellant-Corporation is a Company/Association having a Board of Directors, it cannot be considered to be a part of State Government as it has a separate private panels of lawyers. In my view, the claim was *ex facie* barred by law of limitation as it is beyond five years. As regards the finding of the Arbitrator, the claim No.6(i) in the claim petition was falling within the excepted clause, is not correct as the claim, in my view, was as per the Clause 5 (iii), whereas it was only with regard to

Clause 5(v) (i). Be that as it may, the fact remains that once, the claim is time-barred by law of limitation, in my view, the claim was vitiated in law and is wholly misconceived.

For the foregoing reasons, no ground is made out for interference and accordingly, the appeal is dismissed.

29.08.2016
yogesh

(AMIT RAWAL)
JUDGE

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Whether speaking/reasoned

Yes/ No

✓

Whether Reportable

Yes/ No