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

FAO-4375-2010 (O&M)
Date of decision : 18.01.2016

Punjab State Civil Supplies Corporation Ltd. and another

...Appellants

Versus

M/s Ram Krishna and sons and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Karan Gupta, Advocate
for the appellants.

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

Respondent No.2 ex parte.

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)

CM-18504-CII-2010

For the reasons stated in the application which is supported by affidavit, delay of 61 days in filing the appeal is condoned.

CM stands disposed of.

FAO-4375-2010

The appellants are aggrieved of the order dated 20.11.2009, whereby the application filed under Section 5 read with Section 14 of Limitation Act seeking condonation of delay in filing

the objections has been dismissed.

Mr. Karan Gupta, learned counsel appearing on behalf of the appellants submits that the objections against the Award dated 28.07.2005 were filed on 90th day before the Objecting Court at Chandigarh. However, the same were dismissed for want of territorial jurisdiction. Thereafter, on 31.07.2009, the objections were filed at Moga along with an application seeking condonation of delay but the same has erroneously been dismissed as the benefit of the period spent in the Court at Chandigarh ought to have been given.

Mr. S.K. Singla, learned counsel appearing on behalf of respondent No.1 submits that the grace period is only of 30 days, since, the objections were filed on 90th day, after the return of the objections, the same were to be filed within 30 days accompanied by an application, however, the same have been filed beyond 30 days i.e. in two months. Therefore, rightly so, the application has been dismissed.

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

The minimum period of filing the objections is 90 + 30 days, admittedly the objections filed at Chandigarh were on 90th day. After the return of the objections, reasons seeking the condonation of delay within time-frame are wanting as the same were filed at Moga, after the expiry of two months from the date of the return of the objections. In my view, the statute does not permit

the extension beyond 30 days, as provided under sub-Section 3 of Section 34 of the Arbitration and Conciliation Act, 1996.

Keeping in view the aforesaid observations, I do not find any illegality and perversity in the order declining the application seeking condonation of delay in the filing the objections and there is no merit in the same.

Accordingly, the appeal is dismissed.

18.01.2016
yogesh

(AMIT RAWAL)
JUDGE