

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

FAO No.2704 of 2011 (O&M)

Date of decision : 26.08.2016

Punjab State Warehousing Corporation, Sector-17-B, Chandigarh

...Appellant

Versus

M/s Hind Rice Mills, Amlloh, Fatehgarh Sahib & others

...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. I.S. Sidhu, Advocate for the appellant.

AMIT RAWAL, J. (Oral)

The appellant-Punjab Warehousing Corporation is aggrieved of the dismissal of the objections being barred by law of limitation.

Mr. I.S. Sidhu, learned counsel appearing on behalf of appellant submits that award of the Arbitrator is dated 08.07.2004 which was received on 27.07.2004. The objections were filed on 10.11.2004 though it was accompanied with the application seeking condonation of delay of 90 days as it was filed within 120 days extended period and accompanying application seeking condonation of delay was erroneously been dismissed as withdrawn by the counsel. He further submits that award

of the Arbitrator is not in consonance with the provisions of Section 31 of the Arbitration Act as it does not envisage the copy being dispatched to the parties through either means, and, therefore, reckoning date would be 27.07.2004 and submits that there is illegality and perversity in the order under challenge, whereby objections filed under Section 34, has been dismissed.

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

Even if the date of 27.07.2004 is taken for the purpose of calculation of the limitation, even then up to 09.11.2004, 101 days had elapsed whereas objection has to be filed within 90 days accompanying by an application seeking condonation of delay within 120 days and by that time 101 days had elapsed but the application seeking condonation of delay as noticed above was withdrawn.

I am of the view that objection has rightly been dismissed by the Objecting Court.

I do not find any illegality and perversity in the order under challenge.

Accordingly, present appeal is dismissed.

26.08.2016

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes

Whether reportable:-

Yes/No