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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 04.03.2016

1. FAO-5137-2012 (O&M)

Union of India and another

...Appellants

Versus

Vijay Bahadur Singh and others

...Respondents

2. FAO-2948-2013 (O&M)

Union of India and another

...Appellants

Versus

Digvijay Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. T.S. Khaira, Advocate
for the appellants (in both the appeals.)

Ms. Sapna Seth, Advocate
for respondent Nos.1 to 6 (in FAO-5137-2012) and
for respondent Nos.1 & 2 (in FAO-2948-2013).

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-22823-CII-2012 IN FAO-5137-2012

For the reasons stated in the application, which is supported by
affidavit, delay of 41 days in filing the present appeal is condoned.

CM stands disposed of.

CM-13305-CII-2013 IN FAO-2948-2013

For the reasons stated in the application, which is supported by affidavit, delay of 128 days in filing the present appeal is condoned.

CM stands disposed of.

MAIN CASES

This order of mine shall dispose of two appeals bearing FAO No.5137 of 2012 titled as “Union of India and another V/s Vijay Bahadur Singh and others” and FAO No.2948 of 2013 titled as “Union of India and another V/s Digvijay Singh and others”.

The appellants are aggrieved of the impugned order, whereby the objections filed under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter called 'the 1996 Act') for setting aside the Award dated 06.01.2010, have been dismissed on account of being barred by law of limitation.

Mr. T.S. Khaira, learned counsel appearing on behalf of the appellants submits that the provisions of sub-Section 5 of Section 31 of the 1996 Act has not been complied. On receipt of the certified copy of the Award, the objections were filed, which were within the period of limitation. The Objecting Court erroneously dismissed the same being barred by law of limitation. He submits that it is the duty of the Arbitrator to statutorily comply with the provisions aforementioned, in the absence of the same, limitation period starts from the receipt of the certified copy of the Award.

Ms. Sapna Seth, learned counsel appearing on behalf of the respondent(s), submits that the objections were not falling within the realm of Section 34 of the 1996 Act, even otherwise, before the Arbitrator, the

appellants had appeared and contested the claim, thus, the appellants had the knowledge of the arbitration proceedings, such a plea on behalf of Government instrumentality cannot be taken.

I have heard the learned counsel for the parties and appraised the paper book and of the view that there is no merit in the appeals. It is discernible from the Award that the appellants appeared before the Arbitrator and contested the claim viz-a-viz the enhancement of compensation on account of land acquired for widening of the National Highway No.1-A, the Award was pronounced on 06.01.2010, whereas the objections were filed on 29.07.2011, which were beyond the period prescribed under sub-Section 3 of the Section 34 of the 1996 Act. It is not expected from the officers of National Highway Authority of India, to take the plea of ignorance of the passing the Award, much less, arbitration proceedings, particularly it was participated, thus, the objections were beyond the period of 120 days i.e. 90 days + grace period of 30 days and rightly so, the same have been dismissed.

Keeping in view the aforementioned facts and circumstances, no ground is made for interference and accordingly, the appeals are dismissed.

04.03.2016
yogesh

**(AMIT RAWAL)
JUDGE**