

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: February 03, 2016

1. F.A.O.No.1227 of 2013 (O&M)

Amritsar Improvement Trust, Amritsar

...Appellant

Versus

The Commissioner, Jalandhar Division, Jalandhar & others

2. F.A.O.No.1228 of 2013 (O&M)

Amritsar Improvement Trust, Amritsar

...Appellant

Versus

The Commissioner, Jalandhar Division, Jalandhar & another

3. F.A.O.No.1229 of 2013 (O&M)

Amritsar Improvement Trust, Amritsar

...Appellant

Versus

The Commissioner, Jalandhar Division, Jalandhar & others

...Respondents

4. F.A.O.No.1230 of 2013 (O&M)

Amritsar Improvement Trust, Amritsar

...Appellant

Versus

The Commissioner, Jalandhar Division, Jalandhar & another

...Respondents

5. F.A.O.No.1231 of 2013 (O&M)

Amritsar Improvement Trust, Amritsar

...Appellant

Versus

The Commissioner, Jalandhar Division, Jalandhar & another

...Respondents

F.A.O.No.1227 of 2013 (O&M)

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6. **F.A.O.No.1232 of 2013 (O&M)**

Amritsar Improvement Trust, Amritsar

...Appellant

Versus

The Commissioner, Jalandhar Division, Jalandhar & others

...Respondents

7. **F.A.O.No.1233 of 2013 (O&M)**

Amritsar Improvement Trust, Amritsar

...Appellant

Versus

The Commissioner, Jalandhar Division, Jalandhar & others

...Respondents

8. **F.A.O.No.1234 of 2013 (O&M)**

Amritsar Improvement Trust, Amritsar

...Appellant

Versus

The Commissioner, Jalandhar Division, Jalandhar & another

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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?

Present: Mr.Baltej Singh Sidhu, Advocate,
for the appellant.

Mr.Anil Chawla, Advocate,
for respondent Nos.2 & 3.

AMIT RAWAL, J. (Oral)

CM Nos.7604-CII of 2013 in FAO No.1227 of 2013

CM Nos.7607-CII of 2013 in FAO No.1228 of 2013

CM Nos.7610-CII of 2013 in FAO No.1229 of 2013

CM Nos.7614-CII of 2013 in FAO No.1230 of 2013

CM Nos.7618-CII of 2013 in FAO No.1231 of 2013

CM Nos.7621-CII of 2013 in FAO No.1232 of 2013

CM Nos.7624-CII of 2013 in FAO No.1233 of 2013
CM Nos.7627-CII of 2013 in FAO No.1234 of 2013

For the reasons mentioned in the applications, which are supported by affidavits, delay in filing the appeals is condoned.

Applications stand disposed of.

F.A.O.Nos.1227 to 1234 of 2013 (O&M)

By this order, I intend to dispose of eight F.A.Os. bearing No.1227 to 1234 of 2013 as the common questions of law and fact involved in all the appeals are the common.

All aforementioned appeals have been filed at the instance of the Improvement Trust, Amritsar against the order dated 14.8.2012, whereby the objections filed under Section 34 of the Arbitration and Conciliation Act, 1996 (for short "1996 Act") in the month of January, 2008 seeking setting-aside of the order dated 7.1.2005, have been dismissed.

Mr.Baltej Singh Sidhu, learned counsel appearing on behalf of the appellant submits that against the award dated 7.1.2005, under the wrong and erroneous legal advise, the Improvement Trust filed a revision bearing No.1912 of 2005. The said revision petition was dismissed on 24.1.2006. The matter was taken up before the Hon'ble Supreme Court, which was decided on 1.10.2007. The objections have been filed on 3.1.2008 and, therefore, by taking the limitation from 1.10.2007, objections were within the time frame as prescribed under sub-section (3) of Section 34 of 1996 Act. These aspects have totally been ignored by the Objecting Court. He further submits that the benefit of Section 14 of the Indian Limitation Act should be given by taking out the period spent in this Court and the Hon'ble Supreme Court, therefore, the objections were not time barred and, thus, prays for setting-aside of the impugned orders.

Mr.Anil Chawla, learned counsel appearing on behalf of respondent Nos.2 and 3 submits the revision petition was filed on 12.3.2005. By that time, 90 days have already elapsed. At the best, objections could have been filed in November, 2007, that too accompanying by an application seeking condonation of delay as per the provisions of sub-section (3) of Section 34 of 1996 Act. Having not done so, the objections have rightly been dismissed.

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

Sub-section (3) of Section 34 and the proviso thereto provide limitation of $90+30=120$ days. Revision Petition bearing No.1912 of 2005 was filed on 12.3.2005. By that time, period of 94 days had already elapsed. At the best, the Improvement Trust had 26 days to file the objections after passing of the order dated 1.10.2007 by the Hon'ble Supreme Court, vide which the Special Leave Petition was dismissed. However, the objections were filed on 3.1.2008.

In view of the aforementioned facts, the objections are highly belated and, therefore, the same are dismissed in view of the law of limitation.

There is no merits in the appeals. The same are accordingly dismissed.

February 03, 2016
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(AMIT RAWAL)
JUDGE