

217

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

Date of decision : 30.03.2016

1.

FAO-10226-2014 (O&M)

Union of India and another

...Appellants

Versus

Harjit Singh Grover and others

...Respondents

2.

FAO-6221-2015 (O&M)

Harjit Singh Grover

...Appellant

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. R.S. Madan, Advocate
for the appellant(s)-Union of India
(in FAO-10226-2014) and
for the respondent(s)-Union of India
(in FAO-6221-2015).

Mr. R.S. Manhas, Advocate
for respondent No.1 (in FAO-10226-2014) and
for the appellant (in FAO-6221-2015).

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-19684-CII-2015 IN FAO-6221-2015

For the reasons mentioned in the application, the delay of 149 days
in re-filing the appeal is condoned.

CM stands disposed of.

MAIN CASES

This order of mine shall dispose of two appeals bearing **FAO No.10226 of 2014** titled as **“Union of India and another V/s Harjit Singh Grover and others”** and **FAO No.6221 of 2015** titled as **“Harjit Singh Grover V/s Union of India and others”**, one filed at the instance of the Union of India and other at the instance of landowner(s) as their objections filed under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter called 'the 1996 Act') for setting aside the Award dated 30.10.2010 have been dismissed on account of having not filed within the period of limitation as enshrined under sub-Section (3) of Section 34 of the 1996 Act.

It is matter of record that Award is dated 30.10.2010. Both the parties have urged that there was no compliance of sub-Section (5) of Section 31 and the Award itself does not specify the date of despatch of the Award to the parties and in view of this fact, on receipt of the copy of the Award, the objections were filed before the Objecting Court which were within the period of limitation, but the Objecting Court has taken the period of limitation from 31.10.2010 without noticing the judgment rendered by the Hon'ble Supreme Court in **“State of Maharashtra and others V/s M/s Ark Builders Pvt. Ltd.” 2011 AIR (SC) 1374**, which has laid down that the limitation would start running from the date when the signed copy of the Award is delivered to the parties by the Arbitrator and the date of despatch.

Keeping in view the facts and circumstances, I am of the view that the objections were not beyond the period of limitation as have erroneously been observed by the Objecting Court and accordingly, the objections have to be treated within the period of limitation in view of the ratio decidendi culled

out in the judgment of Hon'ble Supreme Court in *“State of Maharashtra's case”* (supra).

Accordingly, the impugned order declining the objections on this ground is hereby set aside and the matter is remitted back to the Objecting Court to decide the objections filed by the Union of India and as well as the land owners afresh on merits with a further direction to decide the same as expeditiously as possible within a period of five months from the date of receipt of the certified copy of this order.

Learned counsel for the parties/parties are directed to appear before the Objecting Court on 02.05.2016.

With the aforesaid observations, the appeals are disposed of.

30.03.2016
yogesh

(AMIT RAWAL)
JUDGE