

FAO No.1974 of 2015 (O&M)

{1}

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

FAO No.1974 of 2015 (O&M)

Date of decision:06.10.2016

The Gothra Sheoran Co-operative L/C Society
Limited, Gothra

... Appellant

Vs.

Executive Engineer, Haryana State Agriculture
Marketing Board and another

.. Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. R.A.Sheoran, Advocate
for the appellant.

Mr. S.K.Mahajan, Advocate
for the respondents.

AMIT RAWAL J. (Oral)

The appellant – objector is aggrieved of the dismissal of the objections filed under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as “1996 Act”) for setting aside of the award dated 03.08.2010.

Mr. R.A.Sheoran, learned counsel appearing on behalf of the appellant submits that copy of the award awarding compensation to the tune of ₹3,59,164/- along with interest was not only erroneous, much less, against the public policy. In fact, the appellant was not served and proceeded against ex parte. The objections were filed from the date of the knowledge as there is no compliance of the provisions of Section 31(5) of 1996 Act.

Per contra, Mr. S.K.Mahajan, learned counsel appearing on

behalf of the respondents submits that there is a categoric observation by the objecting Court with regard to acknowledging the copy of the award by the appellant on 18.08.2010, whereas, objections were filed on 25.07.2011, therefore, the same were beyond the period of limitation, as per Section 34 (3) of 1996 Act, i.e., 90 days + 30 days grace period, total =120 days and thus, urges this Court for affirming the findings under challenge.

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

The facts noticed above would reveal that in fact, the appellant was aware of the award dated 03.08.2010, copy of which was received by it as per the intimation dated 18.08.2010. No explanation has come forth in not filing the objections within the statutory period as noticed above. Since the provision of Limitation Act does not apply, therefore, the objections were also held to be barred by law of limitation.

Accordingly, I do not intend to differ with the findings rendered by the Objecting Court.

There is no merit in the appeal. No ground is made out for interference in the impugned order.

The appeal stands dismissed.

(AMIT RAWAL)
JUDGE

October 06, 2016

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Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No