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

FAO-3778-2014

Date of decision : 01.02.2016

Estate Officer, HUDA, Panchkula

...Appellant

Versus

Himanshu Coop. Group Housing Society Ltd. and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. R.D. Bawa, Advocate
for the appellant.

Mr. O.P. Sharma, Advocate
for respondent No.1.

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)

The appellant is aggrieved of the order dated 05.10.2013, 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 14.06.2011, have been dismissed, being barred by the law of limitation.

Mr. R.D. Bawa, learned counsel appearing on behalf of

the appellant, submits that the Arbitrator did not convey or supply the copy of the Award dated 14.06.2011 to the Estate Officer, HUDA, Panchkula but the same was supplied in the office of the Chief Administrator, HUDA. No doubt, the Chief Administrator and the Estate Officer, HUDA were arrayed as a party before the Arbitrator. The copy of the Award was obtained on 16.12.2011 and thereafter, the objections were filed on 12.01.2012 and therefore, the same cannot be said to be barred by law of limitation. On acquiring of the knowledge of the Award, the objections were within 90 days, thus, there is illegality and perversity in the order under challenge.

Mr. O.P. Sharma, learned counsel appearing on behalf of respondent No.1 submits that no explanation has come forth in either in the objections or in any affidavit as to what prevented the HUDA, in not filing the objections from the date of the knowledge of the Award. Once, the copy of the Award has been sent to the Chief Administrator, HUDA, Panchkula, the explanation of not filing the objections is conspicuously wanting and prays for dismissal of the appeal.

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

It is a conceded position on record that the copy of the Award dated 14.06.2011 was sent to the Chief Administrator, HUDA, who was a party before the Arbitrator. The plea of Mr.

R.D. Bawa, Advocate that the copy of the Award was not supplied to the Estate Officer, HUDA, who was the affected party, and on having obtained the copy of the Award in the month of December, the objections were filed in January 2012, is essence, sans merit as no explanation has come forth either in the objections or by way of an affidavit as to what prevented the Chief Administrator, HUDA, in not challenging or complying with the directions contained in the Award. No affidavit has been placed on record before the Objecting Court, as to the steps taken by the Chief Administrator in seeking the opinion, viz-a-viz the implementation or otherwise of the Award, in the absence of any explanation, rightly so, the objections have been dismissed being barred by law of limitation.

No ground for interference is made out, accordingly, the appeal is dismissed.

01.02.2016
yogesh

(AMIT RAWAL)
JUDGE