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

**FAO No.4791 of 2013 (O&M)
Date of decision : 06.05.2016**

Municipal Council, Rupnagar

... Appellant

Versus

M/s Saini Contractor and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Kumar Vishav Aggarwal, Advocate
for the appellant.

Mr. Jaideep Verma, Advocate
for the respondents.

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-Municipal Council, Rupnagar, is aggrieved of the dismissal of the objections filed under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter called 'the 1996 Act'), seeking setting aside of the Award dated 05.02.2009.

Mr. Kumar Vishav Aggarwal appearing on behalf of the appellant submits that the Contractor was assigned to the work of maintenance of street light in Giani Zail Singh Nagar, Rupnagar. He did not complete the contract and dispute arose and matter was referred to the Arbitration. The claim was filed before the Arbitrator, the then, President of the Municipal Council. The matter was compromised for ₹ 2,00,000/- and the Award came to be passed on

05.02.2009. An application for recalling of the Award was moved on 09.10.2009, which has been dismissed. The same was assailed under under Section 34 of the 1996 Act. The objections seeking setting aside of the Award dated 05.02.2009 have been dismissed being barred by law of limitation.

Mr. Jaideep Verma, learned counsel appearing on behalf of the respondent(s)-Contractor submits that review application as per the provisions of Section 33 of the 1996 Act is not maintainable and only certain errors could be rectified within a period of 30 days. No explanation has come forth in not filing the objections within 90 days against the Award dated 05.02.2009, thus, prays for dismissal of the appeals.

I have heard the learned counsel for the parties and appraised the paper book and of the view that there is a force and substance in the submissions of Mr. Jaideep Verma, as review application filed on 09.10.2009 was not in consonance with the provisions of Section 33 of the 1996 Act. The objection petition was not maintainable as it was not falling within the parameters of Section 34 of the 1996 Act, rightly so, the same has been dismissed being barred by law of limitation.

In view of the foregoing reasons, no ground is made out for interference in the order, under challenge and accordingly, the appeal is dismissed.

06.05.2016
yogesh

(AMIT RAWAL)
JUDGE