

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

FAO-4560-2014 (O&M)

Date of decision : 30.09.2016

Haryana State Cooperative Labour and Construction Federation Ltd.

... Appellant

Versus

The Unique Cooperative Labour and Construction Cooperative Society Ltd.

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Karan Bhardwaj, Advocate
for the appellant.

Mr. D.K. Singal, Advocate
for the respondent.

AMIT RAWAL, J. (ORAL)

The appellant is aggrieved of the dismissal of the objections filed under Section 34 of the Arbitration and Conciliation Act, 1996 (for short 'the 1996 Act') for setting aside the award dated 20.02.2008.

Mr. Karan Bhardwaj, learned counsel appearing on behalf of the appellant submits that the objections have erroneously been dismissed being barred by law of limitation on the premise that period spent by the appellant in availing the remedy of appeal, revision petition, writ and LPA was not taken into consideration, though, the provisions of Section 14 of the Limitation Act to the arbitration proceedings would apply. LPA was dismissed on 15.05.2003 and the review application was filed on 19.12.2013 which was dismissed on 24.01.2014 and accordingly, in the same very month, objections were filed, therefore, the objections could not

have been dismissed for want of limitation, thus, urges this Court for setting aside the findings under challenge.

Per contra, Mr. D.K. Singal, learned counsel appearing on behalf of the respondent submits that the award passed by the Arbitrator on 20.02.2008. Against the same, the appeal was filed on 04.12.2008 before the Registrar, Cooperative Societies, Haryana, but the same was dismissed on 15.04.2010. Thereafter, revision filed on 04.05.2011 against the order dated 15.04.2010 was also dismissed on 03.08.2011 by the Financial Commissioner, Department of Cooperation, Haryana. Writ petition was filed on 21.10.2011 against the order dated 03.08.2011, but the same was dismissed by this Court on 03.12.2012. Thereafter, LPA was filed on 13.05.2013 against the order dated 03.12.2012 and the LPA was dismissed on 15.05.2013. However, when LPA was dismissed on 15.05.2013, the review application was filed on 19.12.2013, but the same was dismissed on 24.01.2014. By that time the period of 90 days as envisaged under sub-Section 3 of Section 34 of the 1996 Act had elapsed, even by giving the benefit of Section 14 of the Limitation Act for the period, the appellant had been pursuing the remedy before the Registrar Cooperative Societies, rightly so, the objections have been dismissed, thus, urges this Court for affirming the findings under challenge.

I have heard the learned counsel for the parties and appraised the paper book and of the view that the objections have rightly been dismissed being barred by law of limitation as the LPA was dismissed on 15.05.2013, whereas the review application was filed on 19.12.2013. By that time, the period of 90 days + 30 days (grace period) = 120 days had elapsed. No explanation has come forth in filing the review application in

the month of December 2013. Had it been so, perhaps there would have been a force in the submissions of Mr. Karan Bhardwaj that the objections were within the limitation period, but the factual aspect as noticed above is contrary to what has been submitted by Mr. Bhardwaj. I am of the view that order under challenge is perfect, legal and justified. No ground is made out for interference and accordingly, the appeal is dismissed.

30.09.2016
yogesh

(AMIT RAWAL)
JUDGE

	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No