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

FAO-6156-2014 (O&M)

Date of decision : 30.03.2016

Government of India and another

...Appellants

Versus

Rohit and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. R.S. Madan, Advocate
for the appellant(s)-Union of India.

Mr. Satyaveer Singh, Advocate
for respondent Nos.1 & 2.

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(s)-Union of India is aggrieved of the dismissal of the objections filed under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter called 'the 1996 Act') for setting aside of the Award dated 17.02.2011 in respect of the land situated in village Musahibpur, Tehsil Mukerian, District Hoshiarpur acquired for widening of the National Highway No.1-A under the National Highways Act, 1956.

Mr. R.S. Madan, learned counsel appearing on behalf of the appellant(s)-Union of India submits the Arbitrator announced the Award on 17.02.2011 and the objections were filed on 09.09.2013. The period of

limitation has to be reckoned from the date of the receipt of the copy of the Award which was received on 18.06.2013 and thus, the objections could not have been dismissed for want of limitation. In support of his contentions, he relies upon the judgment of Hon'ble Supreme Court rendered in **“State of Maharashtra and others V/s M/s Ark Builders Pvt. Ltd.” 2011 AIR (SC) 1374.**

Mr. Satyaveer Singh, learned counsel appearing on behalf of the landowner(s) submits that the story as raised in the objection petition has been coined, for the reason, that the landowners vide registered letter dated 31.01.2013 (RW1/A) informed National Highway Authority of India about the Arbitration Award dated 17.02.2011 and yet no explanation has come forth in obtaining the copy of the Award and filing the objections within the period of limitation, thus, prays for dismissal of the appeal.

I have heard the learned counsel for the parties and appraised the paper book and of the view there is no merit in the appeal for the reason that no explanation has come forth in not filing the objections from the date of the knowledge/intimation purported to have been acquired on behalf of the landowners in the month of January 2013, whereas the objections have been filed in the month of September 2013 beyond the period of limitation as prescribed under sub-Section 3 of Section 34 of the 1996 Act and rightly so, the objections have been dismissed.

Keeping in view the facts and circumstances of the case, I do not find any illegality and perversity, much less, the ratio decidendi culled out in the judgment of the Hon'ble Supreme Court in **“State of Maharashtra's case** (supra), is not applicable.

No interference is warranted and accordingly, the impugned order of the Objecting Court is upheld.

The appeal stands dismissed.

30.03.2016
yogesh

(AMIT RAWAL)
JUDGE