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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 30.03.2016
FAO-4746-2015 (O&M)

1.

Brij Mohan

...Appellant

Versus

Union of India and others

...Respondents

2.

FAO-4482-2015 (O&M)

Bhagwan Dass

...Appellant

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Vishal Aggarwal, Advocate
for the appellant(s) in both the appeals.

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

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)

CM-14756-CII-2015 IN FAO-4746-2015

For the reasons mentioned in the application, the delay of 17 days
in re-filing the appeal is condoned.

CM stands disposed of.

CM-14757-CII-2015 IN FAO-4746-2015

For the reasons mentioned in the application, the delay of 23 days

in filing the appeal is condoned.

CM stands disposed of.

CM-14346-CII-2015 IN FAO-4482-2015

For the reasons mentioned in the application, the delay of 19 days in re-filing the appeal is condoned.

CM stands disposed of.

CM-14347-CII-2015 IN FAO-4482-2015

For the reasons mentioned in the application, the delay of 55 days in filing the appeal is condoned.

CM stands disposed of.

MAIN CASES

This order of mine shall dispose of two appeals bearing **FAO No.4746 of 2015** titled as **“Brij Mohan V/s Union of India and others”** and **FAO No.4482 of 2015** titled as **“Bhagwan Dass V/s Union of India and others”** filed at the instance of the appellant(s)-landowners as the objections filed by them under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter called 'the 1996 Act') have been dismissed for want of limitation.

Mr. Vishal Aggarwal, learned counsel appearing on behalf of the appellant(s)-landowners submits that the Award of the Arbitrator is dated 25.07.2011, whereas the copy of the Award was supplied on 19.08.2011 and the objections were filed on 22.11.2011 and therefore, from the date of the receipt of the copy of the Award, the objections cannot be said to have been barred by law 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. R.S. Madan, learned counsel appearing on behalf of the respondent(s)-Union of India submits that the order, under challenge, is legally justified. No explanation has come forth seeking the condonation of delay, even the objections filed by the Union of India against the Award of the Arbitrator before the Objecting Court and the same have been dismissed by holding that the objections being barred by law of limitation and therefore, there has to be a parity.

I have heard the learned counsel for the parties and appraised the paper book and of the view that there is no merit in the appeal, for the reason that no explanation has come forth on behalf of the appellant(s) as under what manner and mode, they acquired the knowledge of the Award and applied the certified copy of the Award and obtained the same on 19.08.2011. By taking the period of limitation from 25.07.2011, the objections, in my view, on 22.11.2011, were beyond the period of limitation, therefore, the ratio decidendi culled out by the judgment of Hon'ble Supreme Court in "State of Maharashtra's case" (supra) would not come rescue, much less, not applicable.

Keeping in view the aforementioned facts and circumstances of the case, I do not find any interference and accordingly, the impugned order of the Objection Court is upheld.

The appeals are dismissed.

30.03.2016
yogesh

(AMIT RAWAL)
JUDGE