

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-8722-2014 (O&M)
Date of decision : 30.03.2016

Government of India and another

...Appellants

Versus

Jit Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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

Mr. Rohiteshwar Singh, Advocate
for respondent Nos.1 to 5 (in FAO-8722-2014).

Mr. A.S. Gill, Advocate
for respondent No.1 (in FAO-8001-2014).

Mr. Vivek K. Thakur, Advocate
for respondent No.1 (in FAO-8619-2014).

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-23814-CII-2014 IN FAO-8722-2014

For the reasons mentioned in the application, the delay of 16 days
in re-filing the appeal is condoned.

CM stands disposed of.

MAIN CASES

This order of mine shall dispose of four appeals bearing **FAO**
No.8722 of 2014 titled as **"Government of India and another V/s Jit Singh**

and others”, FAO No.8001 of 2014 titled as *“Union of India and another V/s Tarsem Singh and others”*, FAO No.8619 of 2014 titled as *“Government of India and another V/s Tarlochan Singh and others”*, and FAO No.8035 of 2015 titled as *“Union of India and another V/s Jasbir Chand and others”*, filed at the instance of the appellant(s)-Union of India as the objections filed under Section 34 of the Arbitration and Conciliation Act, 1996 Act (hereinafter called 'the 1996 Act') for setting aside the Award rendered by the Arbitrator in respect of the land acquired for widening of the National Highway under National Highways Act, 1956, have been dismissed for want of limitation.

Mr. R.S. Madan, learned counsel appearing on behalf of the appellant(s)-Union of India submits that the Award of the Arbitrator is dated 26.10.2010 and the same was received on 14.12.2010 and the objections were filed within the period of 90 days on 12.03.2011. The Objecting Court has erroneously dismissed the objections by holding that no explanation has come forth as to the date of knowledge of the Award. There is no compliance of sub-Section 5 of Section 31 of the 1996 Act, for the reason that the copy of the Award has not been received or supplied by the Arbitrator. Had it been so, the objections could have been filed within the period 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*.

I have heard the learned counsel for the appellant(s)-Union of India and appraised the paper book. There is no dispute to the ratio decidendi culled out in the judgment of Hon'ble Supreme Court in *“State of Maharashtra's case* (supra), but the fact remains that there has to be cogent

reasons or explanation as to date of the knowledge of the Award which necessitated the appellant(s) to apply or under what circumstances, they received the copy of the Award on 14.12.2010. On perusal of the Award, it is mentioned that the copy of the Award be given to the parties free of cost. For sake of brevity, the operative part of the Award dated 26.10.2010 reads thus:-

“A copy of award be given to both the parties free of cost for compliance (if arbitration cost is already paid).

Sd/-

Announced

(Arbitrator)

Dated: 26/10/2010

-cum-

Commissioner, Jalandhar Division”

In view of the aforementioned facts and circumstances of the case, I am of the view that there is a compliance of sub-Section 5 of Section 31 of the 1996 Act. In these circumstances, the appellant(s) has not given any explanation of having allegedly received the copy of the Award on 14.12.2010. Keeping in view the aforementioned facts, rightly so, the objections have been dismissed being barred by law of limitation.

No ground is made out for interference, accordingly, the Award of the Arbitrator is upheld.

The appeals are dismissed.

30.03.2016
yogesh

(AMIT RAWAL)
JUDGE