

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

**FAO No.8028 of 2015 (O&M)
Date of decision:05.04.2016**

Union of India and another ... Appellants

Vs.

Kashmir Singh and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. R.S.Madan, Advocate
for the appellants.

AMIT RAWAL J. (Oral)

The appellants - Union of India are aggrieved of the dismissal of the objections filed under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as "1996 Act") for setting aside the award dated 06.01.2010.

Mr. R.S.Madan, learned counsel appearing on behalf of the appellant-UOI submits that on receipt of copy of the award, the objections were filed on 07.9.2013, thus, there could not be any delay in instituting the objections as the same were filed on receipt of the award. There is a difference between despatch and receipt of the

copy. The aforementioned objection has been dismissed on the ground of limitation. This aspect has not been noticed by the Objecting Court while dismissing the same.

I have heard learned counsel for the appellant-UOI and appraised the paper book and of the view that it is a conceded position on record that the appellants had appeared before the Arbitrator in respect of claims filed on behalf of the land owners seeking the enhancement of compensation than the one awarded by the competent authority owing to the promulgation of notification under Section 3-A of the National Highway Act. Award also envisages the announcement of the same in the open Court in the presence of the parties and after due notice to the parties. No explanation has come forth in not seeking copy of the award. The award was passed without any partiality or otherwise. Once no explanation has come forth in filing the petition in the year 2013 in respect of award dated 06.01.2010, therefore, rightly so, the objections have been dismissed being barred by law of limitation. Even otherwise, the Objecting Court has also taken into consideration the veracity of the award vis-a-vis determination of the compensation which was based upon the appreciation of the evidence brought on record. The role of the objecting Court is to consider whether the objections filed were within the parameters of Section 34 of 1996 Act or not. In view of the provisions of Section 34 of 1996 Act, the objections were not filed within the parameters.

No ground is made out for interference.

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

April 05 2016
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