

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

FAO No.7776 of 2016 (O&M)

Date of decision : 20.12.2016

State of Punjab and others

...Appellants

Versus

M/s Satish Aggarwal and Company

..Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. P.S. Bajwa, DAG, Punjab.

AMIT RAWAL, J. (Oral)

Objections against the award dated 08.05.2013, have been dismissed on ground of limitation. Award is dated 08.05.2013. Limitation to file the same as per provision of Section 34 of 1996 Act was on 7th of August, 2013, whereas appeal has been filed on 20.09.2013. Even if grace period of 30 days if added, State could have file the objection upto 07.09.2013. No explanation has come forth in filing the objection at belated stage. There is no averments in the application that copy of the award was received at later point of time, therefore, period spent therein be condoned. In the absence of the same, I am of the view that the findings given for dismissing the objection being barred by law of limitation are perfect, legal and justified. Provision of Section 5 of the Limitation Act do not apply as there is express provisions for the same, thus, any order passed for condoning the delay is against the statute.

He further submits that order dated 08.05.2013 tantamounts to the condonation of the delay, but the fact remains that Section 5 of the Limitation Act would not apply, thus, order passed on condonation of delay under the aforementioned provisions pales into insignificance.

No ground for interference is made out.

Accordingly, present appeal is dismissed.

Even, present appeal is also accompanied with the application seeking condonation of delay of 44 days in filing the present appeal. No explanation has been come forth, in essence, lacking direct, much less, cogent reasons.

Accordingly, application for condonation of delay of 44 days in filing the present appeal is also dismissed.

20.12.2016

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No