

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

ARBA No. 50 of 2016

- General Manager, Telecom District Raipur, Bharat Sanchar Nigam Limited, Fafadih, Raipur, Chhattisgarh.....
(Defendant)

---- Petitioner

Versus

- M/s Vishal Traders, Through Umesh Kumar Shrivastava, 601/602-A Wing, Riviera Tower, Lokhandwala Complex, Akurti Road, K Jandwali (East) Mumbai.....(Plaintiff)

---- Respondent

For Appellant

Shri R. M. Solapurkar, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

16/03/2017

1. This is an appeal under Section 37 of the Arbitration and Conciliation Act, 1996 (henceforth 'the Act, 1996') to assail the order passed by the District Judge on 22.04.2016 dismissing petitioner's application under Section 34 of the Act, 1996 as barred by limitation.
2. Indisputably, when application under Section 34 of the Act, 1996 for setting aside the arbitral award is dismissed on the ground of limitation, the appeal under Section 37 of the Act, 1996 being continuation of the said application under

Section 34 of the Act, 1996, the same cannot be considered on merits, as has been held by the Supreme Court in the matter of **Union of India vs Popular Construction Co.**, reported in (2001) 8 SCC 470.

3. Resultantly, the present appeal under Section 37 of the Act, 1996 is dismissed as not maintainable.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala