

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

1. CR No.7009 of 2017
Date of decision : 23.10.2017

Haryana State Cooperative Supply and Marketing Federation Ltd.

...Petitioner

Versus

M/s Sai Rice Mill

...Respondent

2. CR No.7010 of 2017
Date of decision : 23.10.2017

Haryana State Cooperative Supply and Marketing Federation Ltd.

...Petitioner

Versus

M/s Narain Trading Company

...Respondent

3. CR No.7011 of 2017
Date of decision : 23.10.2017

Haryana State Cooperative Supply and Marketing Federation Ltd.

...Petitioner

Versus

M/s Shree Ganesh Rice Mill

...Respondent

4. CR No.7012 of 2017
Date of decision : 23.10.2017

Haryana State Cooperative Supply and Marketing Federation Ltd.

...Petitioner

Versus

M/s Jai Bhole Shankar Rice Mill

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Dinesh Kumar Jangra, Advocate for the petitioner
(In all petitions)

ANIL KSHETARPAL, J. (ORAL)

This order of mine shall dispose of Civil Revision Nos.7009 to 7012 of 2017 as common issue is involved.

Judgment Debtor is in revision petitions against the order dated 11.09.2017 passed by the Additional District Judge, Panchkula directing the Judgment Debtor to provide the details of the properties or to pay the entire awarded amount to the Decree Holder, failing which the Managing Director would appear in person.

In the present case, the Arbitrator announced the award on 13.06.2016. As per the assertions made in the application under Section 34 of the Arbitration and Conciliation Act, 1996, copy of the award was received on 20.06.2016.

Application under Section 34 of the Arbitration and Conciliation Act, 1996 was filed on 19.11.2016. As per the amended provisions of the Arbitration and Conciliation Act, 1996, mere filing of the objections under Section 34 of the Act of 1996 would not render the award unenforceable. The amendment was enforced w.e.f. 23.10.2015.

As per Section 34 of the Act of 1996, the objections under Section 34 of the Act are to be filed within a period of three months from

the date on which the parties making the application had received the arbitral award. Proviso to Sub-Section 3 of Section 34 of the Act further enables the Court to condone the delay upto the period of 30 days but not thereafter.

In the present case, admittedly the objections were filed only on 19.11.2016 whereas the copy of the arbitral award was received on 20.06.2016. As per the proviso of Sub-Section 3 of Section 34 of the Act, the Court does not have jurisdiction to condone the delay beyond the period of 30 days after the original limitation for filing the objections has expired. Thus, at the most the Court can entertain the objection petition within a period of 120 days i.e. 3 months plus 30 days. In the present case, the objections under Section 34 of the Act were filed beyond the period of 120 days.

Taking into consideration the aforesaid facts, mere pendency of the objections under Section 34 of the Act would not operate as a stay in favour of the Judgment Debtor. The objections filed are clearly barred by time and the Court has no power to condone the delay.

Taking into consideration the aforesaid facts, this Court does not find any good ground to interfere with the order dated 11.09.2017 passed by the Additional District Judge, Panchkula.

All the revision petitions are dismissed.

23.10.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No