

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

FAO No.3508 of 2015(O&M)
Date of decision: 09.02.2017

M/s Jagdambe Traders, Abohar Road, Malout and others

... Appellants

Versus

Punjab State Civil Supplies, Corporation Limited (PUNSUP) and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. CM Munjal, Advocate for the appellants.

ARUN PALLI, J. (Oral)

The objectors are in appeal against the judgment dated 16.12.2014, rendered by the Additional District Judge, Sri Muktsar Sahib, vide which their objections under Section 34 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') were dismissed, as also the arbitral award dated 08.09.2005.

Concededly, despite proclamation by the Arbitrator on 02.11.2004 in two nationalized papers i.e. 'Indian Express' as well as in 'The Punjabi Tribune', which was in active and wide circulation in the area, the appellants did not choose to appear before the Arbitrator. Rather, the finding recorded by the Additional District Judge is; the objectors/appellants intentionally did not participate in the arbitration proceedings. Further, copies of the licence and other documents showed that paddy was entrusted to the objectors/appellants for milling during 2000-01. But, neither did they return the rice nor paddy. Thus, committed a breach of trust.

So much so, the Arbitrator rendered the award on 08.09.2005, whereas the objections under Section 34 of the Act were preferred on 03.06.2010. Ex facie, the appellants never chose to question the arbitral award for a period of five years. Clearly, the objections filed by the appellants were barred by time under Section 34(3) of the Act. That being so, the only and inevitable conclusion the court could reach was to dismiss the objections filed by the objectors/appellants.

Learned counsel for the appellants could not point out as to how the conclusion arrived at by the Additional District Judge was either contrary to the record or suffer from any material illegality. No other argument was advanced.

The appeal being bereft of merit is accordingly dismissed.

February 9, 2017
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO