

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

FAO No.6860 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)

CM-21352-CII-2015

For the reasons set out in the application, the delay of 53 days
in re-filing the accompanying appeal is condoned

CM stands disposed of.

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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 25.01.2006.

In principle, the case set out by the appellants in their
objections was that they were condemned unheard, for, no opportunity of
hearing was afforded to them by the Arbitrator. Whereas, on an analysis of
the matter in issue, and the material on record, the learned Additional
District Judge, Sri Muktsar Sahib, reached a conclusion that both the parties

were afforded due opportunities and they led their respective evidence before the Arbitrator. Appellants cross-examined the witnesses of the claimant-respondents and even furnished the written arguments. That being so, the plea that the appellants were not afforded due opportunity to contest the arbitration proceedings was contrary to the record and wholly misconceived. Even otherwise, the appellants had conclusive knowledge of the arbitral award dated 25.01.2006, whereas the appellants had filed objections under Section 34 of the Act on 12.08.2010 i.e. after over four years of passing of the award. Therefore, in terms of the provisions of Section 34(3) of the Act, even the objections preferred by the appellants were barred by time. Once, that is so, the whole grievance of the appellants' pales into insignificance.

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