

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

**FAO No.2122 of 2017 (O&M)
Date of Decision : 06.07.2017.**

Amritsar Improvement Trust, Amritsar

.....Appellant

Versus

The Commissioner, Jalandhar Division, Jalandhar and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Prem Kumar, Advocate for the appellant.

ARUN PALLI, J. (Oral)

CM-7109-CII-2017

Allowed as prayed for.

FAO No.2122-2017

This is an appeal against the order and judgment dated 14.10.2016, rendered by the Additional District Judge, Amritsar, vide which, the application moved by the appellant under Section 5 of the Limitation Act seeking condonation of delay in filing objections under Section 34 of the Arbitration and Conciliation Act, 1996 (for short 'the Act') has since been dismissed.

Facts that are required to be noticed are limited.

Concededly, vide arbitral award dated 07.12.2009, claim of the respondents was accepted. Copy of the award was received by the appellant on 12.03.2010. The objections under Section 34 of the Act were filed on 16.07.2010. For, the objections preferred by the appellant were barred by time an application under Section 5 of the Limitation Act for condonation of

delay was also moved therewith. The provisions of Section 34(3) of the Act postulates that the objections to the arbitral award can be preferred within three months from the receipt of the award. However, the said period can be extended by a further period of 30 days provided the Court is satisfied that the objector was prevented by a sufficient cause to file the objections within the stipulated time. Concededly, even after affording the benefit of 30 days as envisaged in proviso to Section 34(3) the objections filed by the appellant were barred by limitation. The position of law is well settled that the provisions of Section 5 of the Limitation Act does not apply to the proceedings under Section 34(3) of the Act. That being so, the only and the inevitable option before the Court was to dismiss the application moved by the appellant under Section 5 of the Limitation Act and consequently, the objections filed under Section 34. Learned counsel for the appellant could not point out as to how the conclusion arrived at by the learned Additional District Judge was either contrary to the record or suffered from any material illegality. No argument was advanced either. Thus, the appeal being devoid of merit is dismissed.

06.07.2017

*Manoj Bhutani***(ARUN PALLI)
JUDGE**

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No