

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

FAO No.3504 of 2017(O&M)

Date of decision: 18.05.2017

Satpal

... Appellant

Versus

M/s Sundaram Finance Limited and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI**

Present: Mr. Krishan K. Chahal, Advocate for the appellant.

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**ARUN PALLI J. (Oral)**

This is an appeal against the judgment dated 04.01.2017, rendered by the learned Additional District Judge, Gurgaon, vide which the objections preferred by the appellant under Section 34 of the Arbitration & Conciliation Act, 1996 (for short, 'the Act') against the arbitral award dated 22.03.2012, had since been dismissed.

The Arbitrator accepted the claim of the respondents and awarded a sum of ₹ 19,27,824.35. Concededly, the objections to the arbitral award were filed on 16.09.2016, that is after over four years. The learned Additional District Judge, on a due and thoughtful consideration of the evidence on record, reached a conclusion that the respondents had initiated execution proceedings for enforcement of the arbitral award and the appellant appeared before the executing Court on 28.08.2015, through his counsel Sh. Jitender Kumar Sharma who continued to appear on 17.10.2015, 06.11.2015 & 14.12.2015. However, a fresh Vakalatnama was filed on his behalf by Sh. Parveen Rao, Advocate on 22.04.2016, and thereafter the matter remained pending for making payment by the appellant. But instead, the appellant filed objections to the execution petition, which too were

dismissed on 31.05.2016. Thereafter, the appellant chose not to participate in the proceedings and was thus proceeded against ex parte. Ex facie, having realized that it was not feasible to prolong the matter any further, the appellant chose to file objections to the arbitral award under Section 34 of the Act on 16.09.2016. Which, apparently was an afterthought. Thus, the objections filed by the appellant were speculative in nature and lacked bonafides. Concededly, the appellant had a concrete and conclusive knowledge of the award on 28.08.2015 when he appeared before the Executing Court, whereas he filed objections on 16.09.2016, that is after almost a year. The provisions of Section 34(3) envisage that the objections against the arbitral award can be filed within a period of 90 days, and the period is extendable by another 30 days, provided the Court is satisfied that the objector was prevented by a sufficient cause to prefer objections within the specified time. Thus, the objections filed by the appellant under Section 34 of the Act were grossly barred by time.

That being so, the only and inevitable conclusion that could be reached was to dismiss the objections filed by the appellant. Learned counsel for the appellant could not point out as to how the conclusion arrived at by the learned Additional District Judge was contrary to the record or suffered from any material illegality.

The appeal being devoid of merit is accordingly dismissed.

For, the appeal has been dismissed on merits, no formal orders are required to be passed in the applications.

May 18, 2017  
Rajan

**( Arun Palli )**  
**Judge**

Whether speaking / reasoned:  
Whether Reportable:

YES/NO  
YES/NO