

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

RSA No.3770 of 2013 (O&M)  
Date of Order: 27.10.2017

Subhash Sahni

..Appellant

Versus

HSIDC and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. V.K.Jindal, Sr. Advocate, with  
Mr. Gopal Soni, Advocate,  
for the appellant.

Mr. R.S.Sihag, Advocate,  
for the respondents.

ANIL KSHETARPAL, J(Oral)

The limited grievance of the appellant in this appeal is reflected  
in the order dated 27.05.2014, which is extracted as under:-

*“Counsel for the appellant, inter-alia, contends that his  
suit was partly decreed. But he is aggrieved against the  
findings recorded by the trial Court, wherein it has been  
observed that “the defendants are however at liberty to  
proceed against the plaintiff in accordance with the  
“Assisted Sector Agreement dated 19.9.1989”.*

*Counsel for the appellant has submitted that as  
per the said agreement, the respondents can proceed  
against the appellant before the Arbitrator, whereas the  
earlier proceeding before the Arbitrator were withdrawn  
by the respondents without any condition and by virtue*

*of the aforesaid order, they again have been given this  
handle to proceed against the plaintiff.*

*Notice of motion for 11.8.2014”*

Learned counsel for the appellant has submitted that as per the Assisted Sector Agreement, dated 19.09.1989, the Court has rightly granted liberty to the plaintiff-Corporation, however, it has to be subjected to limitation.

Learned Arbitrator while adjudicating upon the claim is well within its jurisdiction to adjudicate upon whether the claim if any filed before him is within time or not.

With these observations, this regular second appeal is disposed of.

**October 27, 2017**  
**nt**

**(ANIL KSHETARPAL)**  
**JUDGE**

|                           |          |
|---------------------------|----------|
| Whether speaking/reasoned | : Yes/No |
| Whether reportable        | : Yes/No |