

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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FAO No.8496 of 2018 (O&M)
Date of Decision : 17.12.2018

Union of India and anr.

..... Appellants

Versus

Ritu & ors.

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Ish Puneet Singh, Advocate
for the appellants.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the dismissal of the application under Section 34 of the Arbitration and Conciliation Act, 1996 (for short 'the Act').

Notice of motion.

On the asking of the Court, Mr. Manoj Kumar Pundir, Advocate accepts notice on behalf of respondents No.1 to 5.

One of the grounds which weighed with the Courts was that it was filed beyond limitation. Admittedly the copy was supplied on 17.03.2017. The period of 90 days would have expired on 15.06.2017. There were vacations in the Court from 01.06.2017 to 30.06.2017. Thus the appellants could have filed the petition on 01.07.2017. However, the petition was filed on 28.08.2017. No reason was given for this delay. In

There was *Civil Appeal bearing No. CA-11866-2018* arising out of SLP bearing No. *SLP-17521-2017* titled as *M/s.Simplex Infrastructure Limited Vs. Union of India* decided on 5.12.2018 where the Supreme Court has further emphasized the expression 'but not thereafter' used in the proviso under Section 34 (3) of the Act and has thus reiterated the law on the subject. This Court is bound by the decision of the Supreme Court.

Consequently, the appeal stands dismissed.

Since the main case has been decided, the pending Civil Miscellaneous Application, if any, also stands disposed of.

17.12.2018
Pooja sharma-I

(AJAY TEWARI)
JUDGE

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