

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-2827-2017 (O&M)

Date of decision: 13.03.2019

Estate Officer (H), Greater Mohali Area Development Authority
...Appellant

Versus

Ms/ Paramjit Toor and another
...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Amar Sharma, Advocate,
for the appellant.

JAISHREE THAKUR, J. (ORAL)

1. This is a first appeal against the order of the Addl. District Judge, SAS Nagar Mohali dismissing the application filed under Section 34 of the Arbitration and Conciliation Act seeking to challenge the award dated 08.04.2016 passed by the Arbitrator.

2. Admittedly, a dispute had arisen between the appellant and respondent No.1 which led to the appointment of an Arbitrator in terms of the Arbitration Agreement. An award dated 08.04.2016 came to be passed which was to be challenged within the time frame as specified under Section 34(3) of the Arbitration & Conciliation Act, 1996, which reads as under :-

“34(3)- An application for setting aside may not be made after three months have elapsed from the date on which the party making that application had received the arbitral award or, if a request had been made under Section 33, from the date on which that request had been disposed of by the arbitral

tribunal;

Provided that if the Court is satisfied that the applicant was prevented by sufficient cause from making the application within the said period of three months, it may entertain the application within a further period of thirty days, but not thereafter.”

3. Admittedly, the objections to the said award were filed under Section 34 of the Arbitration & Conciliation Act, 1996 on 25.07.2016 which is beyond the period of three months as stipulated under Section 34(3) of the Act.

4. If the appellant herein had supported the said petition along with an application seeking condonation of delay giving adequate reasons, the appeal would have been within the specified time. However, when the objections were filed, there was no application filed seeking condonation of delay, which came to be filed on 19.09.2016, well beyond the period of three months and additional period of 30 days. The Addl. District Judge, taking these dates into account, has rightly dismissed the objections petition on the ground of limitation. Finding no infirmity in the same, this petition is dismissed without merit.

13.03.2019

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes.

Whether reportable

No.