

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

FAO No.5541 of 2018 (O&M)
Date of Decision: July 12, 2019

Harpal (now deceased) through his LRS and others

...Appellants

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. J.S. Rozera, Advocate
for the appellants.

JAISHREE THAKUR, J. (Oral)

CM-18759-CII-2018

Deficiency in the court fee has been made good.

Application stands disposed of.

CM-18760-CII-2018

There is delay of 119 days in re-filing the appeal.

For the reasons mentioned in the application, the same is
allowed and delay of 119 days in re-filing the appeal is condoned.

FAO-5541-2018

This is an appeal that has been filed under Section 37 of the
Arbitration and Conciliation Act, 1996 (for short 'the Act') seeking to
challenge the order dated 22.05.2017, by which the Addl. District Judge,
Palwal dismissed the objections filed by the appellants under Section

34 of the Act.

In brief, the facts are that on account of a dispute that arose between the parties, the matter was referred to the Arbitrator as appointed under the National Highway Act, 1956. The award was given on 02.09.2015 and challenge was laid to the said award by filing objections under Section 34 of the Act on 27.07.2016, which objections came to be dismissed primarily on the ground that the same were not filed within the period of limitation of 03 months, as provided under the Act and even within the further period of 30 days, as provided under Section 34(3) of the Act. As noticed by the Addl. District Judge, the award was passed on 02.09.2015 and a certified copy of the award was supplied to the appellants on 09.09.2015. Taking that as the date of receipt of the said award, the objection petition should have been filed within a period of three months plus thirty days, which would have expired on 07.01.2016. However, the objections were filed on 27.07.2016. Consequently, the objections were time barred and delay in filing the same could not be condoned.

This court finds no infirmity in the impugned order, as such, no interference is called for in this appeal.

Dismissed.

July 12, 2019
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No