

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

FAO No.621 of 2018 (O&M)

Date of Decision.18.11.2019

Punjab State Warehousing Corporation

...Appellant

Vs

M/s Jagdambey Rice & General Mills and others

...Respondents

Present: Mr. Aayush Arora, Advocate
for the appellant.

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

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JAISHREE THAKUR J. (ORAL)

This appeal has been preferred under Section 37 of the Arbitration and Conciliation Act, 1996 seeking to challenge the order of the Additional District Judge Patiala dated 16.03.2017 whereby objections filed to the award of the Arbitrator have been dismissed.

In brief, the facts are that the appellant and the respondents entered into an agreement regarding custom milling of paddy crop for the year 1999-2000, which contained an arbitration clause. On account of dispute that arose, Sh. P.C. Singal and thereafter, on recusal, Sh. B.R. Bansal, Additional District & Sessions Judge (retd) was appointed to settle the dispute. The award came to be passed, which was challenged by the appellant before the Additional District Judge, Patiala. The said objections were dismissed purely on the ground of limitation. Aggrieved against the said order, instant appeal has been filed.

Mr. Aayush Arora, learned counsel appearing on behalf of the appellant assails the award of the Arbitrator as well as the order of the

Additional District Judge, Patiala by contending that the claim of the appellant has been dismissed by the Arbitrator and the objections under Section 34 have been dismissed on hyper-technical ground. It is contended that the delay had occurred within the office of the appellant, which was a procedural delay and therefore, same ought to have been condoned.

I have heard learned counsel for the appellant and am of the view that there is no ground to interfere with the order passed by the Additional District Judge, Patiala in dismissing the objections on the ground of limitation. The award was passed on 28.07.2016 and certified copy of the same was received on 02.08.2016 in the head office of the appellant namely Punjab State Warehousing Corporation. As per Section 34 of the Arbitration and Conciliation Act, period prescribed for moving an application to have the award set aside is entailed in Section 34 (3), which clearly specifies that application for setting aside the award may not be made after three months have elapsed from the date on which the party making that application had received the arbitral award, with a proviso 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 30 days but not thereafter. The law in this regard is well settled that the period for filing objections to an award is three months with an additional period of 30 days. The judgment as rendered in **M/s Simplex Infrastructure Ltd. Vs. Union of India 2019 (1) RCR (Civil) 205** has specifically held that use of words “but not thereafter” in the proviso shows that extension cannot be granted beyond the period of 30 days, even if there is sufficient cause to do so.

The objections in the instant case were filed on 16.02.2017,

well beyond the period of three months and 30 days as specified under Section 34(3) of the Arbitration and Conciliation Act, 1996.

In view of such circumstances, I do not find any illegality and perversity in the order passed by the Additional District Judge, Patiala. Consequently, the appeal stands dismissed.

(JAISHREE THAKUR)
JUDGE

November 18, 2019
Pankaj*

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