

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of decision: 17th May, 2023

224-1FAO-2421-2019 (O&M)

Sharda RaniAppellant

Versus

Union of India and othersRespondents

224-2FAO-2422-2019 (O&M)

Shiv CharanAppellant

Versus

Union of India and othersRespondents

224-3FAO-2431-2019 (O&M)

Brahm DuttAppellant

Versus

Union of India and othersRespondents

224-4FAO-2432-2019 (O&M)

ParkashAppellant

Versus

Union of India and othersRespondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: None for the appellant.

Mr. Vivek Singla, Advocate
for respondent No. 2-Indian Railway

Mr. Sharad Aggarwal, DAG, Haryana.

Mr. Arvind Seth, Advocate for UOI.

AVNEESH JHINGAN, J (Oral):

1. Vide this common order above mentioned appeals shall be disposed of as facts and issue involved therein are similar. For the sake of convenience, the facts are taken from FAO-2421-2019.
2. This appeal has been filed under Section 37 of the Arbitration and Conciliation Act, 1996 (for short 'the 1996 Act') against dismissal of objections under Section 34 of the 1996 Act as time barred.
3. Brief facts are that the land of the appellant situated in village Prithla, District Palwal, Haryana was acquired for Dedicated Freight Corridor in District Palwal. The arbitration proceedings initiated at the instance of the appellant culminated in award dated 26.11.2016. The objections filed by the appellant on 14.12.2017 were dismissed as time barred. Hence, the present appeal.
4. From the perusal of the impugned order, it is evident that the objections were dismissed by calculating the limitation from the date of pronouncement of the award. As per Section 31(5) of the 1996 Act, the arbitrator is obliged to supply signed copy of the award to the parties. There is no finding recorded in the impugned order with regard to the service of the signed copy of the arbitral award. Consequently, the impugned order is set aside. The matter is remitted back for deciding the objection under Section 34 of the Act afresh, including the issue of limitation.

7. A photocopy of this order be placed on the file(s) of connected case(s).

17th May, 2023
anuradha

1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No