

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

FAO No. 498 of 2021 (O&M)

Date of decision: 13th April, 2023

Uttar Haryana Bijli Vitran Nigam Ltd.

Appellant

Versus

M/s Devi Computronics Pvt. Ltd. & another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vishal Garg, Advocate for the appellant.
Mr. Sanjay Joshi, Advocate for respondent No. 1.

AVNEESH JHINGAN, J (Oral):

This appeal under Section 37 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') is filed aggrieved of dismissal of objections under Section 34 of the Act as time barred.

The relevant facts are that respondent No. 1 (hereinafter referred to as 'the respondent') was awarded a tender by the appellant. To settle the dispute between the parties, arbitrator was appointed and the proceedings culminated in award dated 8.3.2016.

The undisputed facts are that the award was delivered to the appellant on 8.3.2016, objections under Section 34 of the Act at Ambala were filed on 5.5.2016 (i.e. within ninety days). On 5.12.2016, Ambala Court returned the objections to be filed before the competent court. Certified copy of the order of Ambala Court was applied on 9.12.2016 which was supplied on 12.12.2016. Thereafter, on 21.1.2017, objections under Section 34 of the Act were filed at Panchkula which were dismissed as time barred on 4.1.2020.

Learned counsel for the appellant submits that the objections

were wrongly dismissed as time barred. He further submits that the case of the appellant was covered under Section 14 of the Limitation Act, 1963. The appellant was bonafidely pursuing the remedy before Ambala Court. The submission is that the period spent in proceedings at Ambala should be excluded.

Learned counsel for the respondent vehemently opposed the contentions raised by learned counsel for the appellant. However, he restricts his prayer and submits that the award is of 2016, for seven years, the respondent has not been able to get the fruits of the award, let the court concerned at Panchkula be directed to decide the objections under Section 34 of the Act in a time bound manner.

Learned counsel for the appellant submits that no adjournment shall be sought by the appellant in proceedings under Section 34 of the Act.

In view of the above and considering that the matter is covered under Section 14 of the Limitation Act, 1963 and without making further comments on merits, in view of the restricted prayer made by learned counsel for the respondent, the appeal is allowed.

The matter is remitted back to Panchkula Court to decide the objections expeditiously under Section 34 of the Act on merits.

It would be desirable if the objections are decided not later than six months from the receipt of certified copy of this order.

[AVNEESH JHINGAN]
JUDGE

13th April, 2023
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1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No