

FAO No. 1139 of 2017 (O&M)

[1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

FAO No. 1139 of 2017 (O&M)

Date of decision: 26th April, 2023

M/s Bansal Builders

Appellant

Versus

State of Haryana and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. P. S. Rana, Advocate for the appellant.
Mr. Sharad Aggarwal, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

1. 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.
2. The brief facts are that the appellant was allotted a tender on 14.7.2005. The terms and conditions provide for dispute resolution through arbitration. The arbitration was initiated at the instance of the appellant and the proceedings culminated in award dated 30.3.2012. The objections filed by the appellant on 16.7.2012 were dismissed as time barred.
3. Learned counsel for the appellant submits that the district courts were closed for summer vacations and re-opened on 15.7.2012. He further submits that on the opening day the objections were filed.
4. From the perusal of the order, it is apparent that this aspect has not been considered.

FAO No. 1139 of 2017 (O&M) [2]

5. Consequently, the impugned order is set aside. The matter is remitted back to the court concerned for deciding the objections afresh including the question of limitation.

6. The appeal is allowed.

7. Since the main appeal has been allowed, pending application(s), if any, is rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

26th April, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |