

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

212

FAO No.2956 of 2017 (O&M)
Date of Decision: 05th May, 2023

Rajesh

...Appellant

Versus

Shriram Transport Finance Company Limited and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present:- Mr. Kul Bhushan Sharma, Advocate for the appellant.

Mr. Gaurav Sharma, Advocate for respondent No.1.

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 as time barred.
2. The facts in brief are that the appellant availed a loan facility from respondent No.1. The terms and conditions provided for dispute resolution through arbitration. The arbitration proceedings initiated at the instance of respondent No.1 culminated in an *ex parte* award dated 05.03.2014. The objections filed by the respondent on 29.01.2015 were dismissed as time barred on 19.04.2017, hence the present appeal.
3. Learned counsel for the appellant submits that the appellant was neither served with the notice for arbitration nor had received the signed copy of the arbitral award. It is further argued that during execution proceedings, appellant gained knowledge of an *ex parte* award and

immediately filed objections.

- 4. Learned counsel for respondent No.1 defends the impugned order.
- 5. Heard learned counsel for the parties and perused the record.
- 6. Section 31(5) of the Act provides that the Arbitrator is obliged to supply the signed copy of the arbitral award to each of the parties.
- 7. From the perusal of the record it is forthcoming that there is nothing on record to prove that the signed copy of the arbitral award was supplied to the appellant. The appeal is allowed. The impugned order is set aside, the matter is remitted back for deciding the objections on merits.
- 8. Since the main case has been decided, the pending application(s), if any is rendered infructuous.

05th May, 2023
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No