

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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FAO-5110-2017 (O&M)

Date of Decision: 11th May, 2023

Kuldeep Singh

...Appellant

Versus

Union of India and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Karan Gupta, Advocate for the appellant.

Mr. Neeraj Madaan, Advocate for the respondents.

AVNEESH JHINGAN , J.(Oral)

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

2. The land of the appellant in village Kharajpur, Tehsil Rajpura, District Patiala was acquired under the Railways Act, 1989 for special railway project-Eastern Dedicated Freight Corridor. The arbitration proceedings initiated at the instance of the appellant, culminated in award dated 5.10.2015. The objections filed were dismissed as time barred vide order dated 6.2.2017. Hence, the present appeal.

3. Learned counsel for the appellant submits that the objections were wrongly dismissed as time barred. The objections were filed within limitation. The Court concerned had not considered factual aspect.

4. Learned counsel for the respondents defends the impugned order.

5. From the perusal of the impugned order, it is evident that factual aspects that certified copy applied by the counsel was not received by the appellant was not considered and the District Judge proceeded on the assumption that there is delay of 165 days in filing the objections. Consequently, the impugned order is set aside and the matter is remitted back to the Court concerned for deciding objections under Section 34 of the 1996 Act afresh including issue of limitation.

6. Appeal is disposed of.

7. Since the main case has been disposed of, the pending application(s), if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

11th May, 2023

anuradha

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No