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

FAO-1957-2022(O&M)

Date of Order:-17.09.2024

The Government of Haryana, PWD (B&R) Department, Haryana and
others

...Appellants

Versus

M/s K.M. Builders & Engineers, Palwal

...Respondent

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present :- Mr.Aman Bahri, Addl.A.G., Haryana
for the appellants.

SUVIR SEHGAL, J.

1. This appeal has been filed under Section 37 of the Arbitration and Conciliation Act, 1996 (for short "the Act") assailing judgment dated 22.12.2021 passed by the learned Additional District Judge, Nuh, whereby objections filed by appellants under Section 34 of the Act had been dismissed with costs.

2. Mr.Bahri, learned Additional Advocate General, Haryana urges that the claim raised by the contractor – respondent was barred by time and despite a specific objection was raised under Section 34 of the Act, but the learned Additional District Judge, Nuh has not dealt with it. It is his contention that the Court has not examined any of the arguments raised by the appellants while rejecting the objections vide the impugned order.



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3. Issue notice to the respondent.
4. Mr.Abhinav Sood, Advocate puts in appearance and accepts notice on behalf of the respondent. Upon instructions, he states that the respondent does not have any objection in case the impugned order is set aside and the matter is remitted back to the learned Additional District Judge for fresh determination.
5. In view of the above, impugned judgment dated 22.12.2021 passed by learned Additional District Judge, Nuh is set aside. Matter is remitted to the same Court for re-adjudication of the objections filed by the appellants under Section 34 of the Act.
6. Appeal is disposed of.
7. Parties are directed to appear before the learned Additional District Judge, Nuh on 28.10.2024 for further proceedings in accordance with law.
8. Liberty is granted to the appellants to move appropriate application before the learned Additional District Judge, Nuh for stay of the award passed by the learned Arbitrator.
9. Since the main appeal has been disposed of, pending application, if any, shall also stand disposed of.

17.09.2024

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Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No

(SUVIR SEHGAL)
JUDGE