



FAO-2201-2019 (O&M)

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

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FAO-2201-2019 (O&M)
Date of Decision:16.09.2024

**PUNJAB STATE COOPERATIVE SUPPLY AND MARKETING
FEDERATION LTD.**

.... Appellant

Vs

M/S. SHAM LAL DOD AND COMPANY AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Vikas Singh, Advocate for the appellant.

Mr. Surinder Garg, Advocate with
Mr. Surinder Gaur, Advocate
for applicants- respondents No.1 and 2.

SUVIR SEHGAL, J.(ORAL)

CM-14280-CII-2024

1. Application is allowed, as prayed for.
2. Date of hearing of the main case is preponed from 07.11.2024 to today and it is ordered to be taken on Board along with pending miscellaneous application.

CM-6712-CII-2019

3. By way of present application filed under Section 5 of the Limitation Act, 1963, the applicant-appellant has sought for condonation of delay of 1689 days in filing the present appeal.
4. Mr. Vikas Singh, Advocate for the applicant-appellant submits

that 19 connected objection petitions filed under Section 34 of the



Arbitration and Conciliation Act, 1996 (for short 'the Act') were decided by the learned Additional District Judge, Chandigarh on the same day by passing separate orders. He submits that 18 appeals were instituted before this Court and insofar as the present appeal is concerned, despite moving an application, certified copy of the impugned order was not made available. By referring to para 3 of the application, he submits that the copying agency of the District Court, informed the applicant-appellant that the record of the case had been sent to the High Court along with the record of the connected cases. He submits that an application for getting the certified copy of the impugned order was then moved before the High Court and after getting a copy, present appeal was instituted.

5. Issue notice of the application to the non-applicant/respondents No.1 and 2.

6. Mr. Surinder Garg, Advocate with Mr. Surinder Gaur, Advocate, accept notice on behalf of respondents No.1 and 2. They have opposed the prayer made in the application.

7. I have heard counsel for the parties and considered their respective submissions.

8. This Court is of the view that the explanation given in the application is plausible and it deserves to be accepted. Delay in the filing of the appeal is not intentional but rather for the reasons which were beyond the control of the applicant-appellant.

9. Accordingly, the application is allowed. Delay of 1689 days in filing of the appeal is condoned.



CM-14281-CII-2024 and FAO-2201-2019

10. This appeal has been filed under Section 37 of the Act, impugning order dated 05.02.2014, passed by the learned District Judge, Chandigarh, whereby objection filed by the appellant to arbitral award dated 14.09.2012 have been dismissed.

11. In all fairness, counsel for the appellant concedes that similar challenge was made in the connected appeals, which have been disposed of by this Court vide order dated 23.03.2023 passed in FAO No. 2091 of 2014, Punjab State Cooperative Supply and Marketing Federation Ltd. Versus M/s Singla Timber Trading Company and others. He submits that the order passed by this Court was unsuccessfully challenged before the Supreme Court and SLP was dismissed on 04.01.2024.

12. Respondents No.1 and 2 have filed an application (CM-14281-CII-2024) for disposal of the appeal in terms of order dated 23.03.2023, Annexure A-1.

13. In view of the above, instant appeal is disposed of in the same terms as order dated 23.03.2023 in FAO No. 2091 of 2014.

14. Pending miscellaneous applications also stand disposed of.

16.09.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No