



FAO-6719-2017 (O&M)

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

**FAO-6719-2017 (O&M)
Date of Decision: 19.02.2026**

Punjab State Co-operative Supply and Marketing Federation Limited, CHD.
.... Appellant

Versus

M/s Meghmani Organics Limited and another
..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Jasvir Kaur, Advocate for the appellant.

Mr. Pawan Kumar, Advocate for the respondents.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is an appeal filed under Section 37 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') challenging the order dated 12.05.2016 passed by learned Additional District Judge, Chandigarh vide which the objections under Section 34 of the Act filed by the appellant-Markfed against the arbitral award dated 10.08.2015 have been dismissed on the ground of limitation.

2. Learned counsel for the appellant submitted that in the present case, an award was passed by the Arbitrator on 10.08.2015 of which they received a photocopy on 01.09.2015. The objections under Section 34 of the Act were filed on 15.12.2015 along with an application for condonation of delay, but thereafter the objections were dismissed as withdrawn vide order dated 29.03.2016 (Annexure A-7). Thereafter, again objections were filed on 11.04.2016 which have been dismissed by learned Additional District Judge on the ground that the same were filed beyond the period of limitation.



3. Learned counsel further submitted that in fact the appellant received a certified copy of the award on 17.12.2015 and earlier objections were filed on the basis of receipt of a photocopy of the award on 01.09.2015. Hence, the period of limitation will start from 17.12.2015 which expires on 16.04.2016 after adding the extended period of 30 days to the period of 3 months. Thereafter, the fresh objections were filed on 11.04.2016, which were within the period of limitation i.e. 3 months+30 days and therefore, learned Court has erroneously dismissed the application for condonation of delay.

4. On the other hand, learned counsel for the respondent submitted that the only argument of the learned counsel for the appellant in the present appeal is with regard to limitation that the limitation period would start from 17.12.2015 and not from 01.09.2015, which is a misconceived argument in view of the fact that there is nothing on record placed before learned Additional District Judge or even before this Court which substantiates their plea that the appellant had received the certified copy of the award on 17.12.2015. These were merely vague averments. He submitted that in the absence of any substantive material to show that they received the certified copy on 17.12.2015, the aforesaid plea cannot be accepted and therefore, the period of limitation would actually start from 01.09.2015 when they received a copy of the award and thereafter, objections were filed. He also referred to the aforesaid order dated 29.03.2016 (Annexure A-7) vide which, when the objections under Section 34 of the Act were filed by the appellant, the same were withdrawn and after such withdrawal, fresh objections could not have been filed in accordance with law because no such liberty was granted by learned Additional District Judge vide Annexure A-7 at the time



of withdrawal of the objections. Therefore, the present appeal is liable to be dismissed.

5. I have heard the learned counsels for the parties.

6. The aforesaid dates are not in dispute. The only dispute pertains to as to whether the appellant has received the certified copy of the award on 17.12.2015 or not. As per the aforesaid dates mentioned by learned counsel for the appellant and reflected in the impugned order, the award was passed on 10.08.2015 whereas a photocopy of the same is stated to have been received by the appellant on 01.09.2015 and thereafter, objections under Section 34 of the Act were filed on 15.12.2015 along with an application for condonation of delay. However, thereafter, vide Annexure A-7, the appellant had withdrawn the said objections on 29.03.2016 and the aforesaid order is reproduced as under:-

“Annexure A-7

Punjab State Cooperative Vs. M/s. Meghmani Organics

*Present: Sh. Rajesh K. Sharma Adv. for Petitioner.
Sh. SC Thatai Adv. for Respondent No.1.*

Counsel for petitioner suffered a statement that he withdraws the present petition with liberty to file fresh after removing the technical flaws and after legal compliance. In view of the statement made by the counsel for petitioner, the present petition is dismissed as withdrawn. File be consigned to record room.

*Pronounced:
29.03.2016*

*Sd/-
Paramjeet Singh,
Additional District Judge,
Chandigarh.”*

7. A perusal of the aforesaid would show that although the appellant had sought liberty to file fresh objections but no such liberty was

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granted by learned Court. Therefore, in the absence of any such liberty, this Court is of the view that no fresh objections could have been filed. Even otherwise also, there was no material before learned Additional District Judge or before this Court to substantiate that the appellant received a certified copy of the award on 17.12.2015 and in the absence of the same, the period of limitation cannot start from 17.12.2015. Therefore, the objections filed on 11.04.2016 were liable to be dismissed on both the grounds i.e. being beyond the period of limitation and being not maintainable as no liberty was granted when earlier the objections were dismissed as withdrawn.

8. In view of the aforesaid facts and circumstances, finding no merit in the present appeal, the same is hereby dismissed.

19.02.2026*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |