

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (Civil) No.8523/2013  
(From the judgment and order dated 09/11/2012 in FAO No.5989/2012 of The  
HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

RAMA INDUSTRIES LTD. Petitioner(s)

VERSUS

G.M. FABRICATORS & ORS. Respondent(s)

(With prayer for interim relief)

Date: 25/02/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR  
HON'BLE MR. JUSTICE M.Y. EQBAL

For Petitioner(s) Mr. Shyam Divan, Sr. Adv.  
Mr. Gaurav Goel, Adv.  
Mr. Mahesh Agarwal, Adv.  
Mr. Rishi Agrawala, Adv.  
Mr. E.C. Agrawala, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
O R D E R

Learned Senior Counsel appearing for the petitioner submits that the award was rendered on 6th March, 2008, which was not received by the petitioner till 13th March, 2008. Therefore, limitation will commence from 13th March, 2008. On 26th March, 2008, the petitioner, under the bona fide belief that Chandigarh Court had jurisdiction, filed a petition under Section 34 of the Arbitration and Conciliation Act, 1996

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before the Additional District Judge, Chandigarh. On 10th November, 2009, the Chandigarh Court returned the petition to be presented before the appropriate Court i.e. a Court of competent jurisdiction at Patiala. The aforesaid period can also be excluded under Section 14 of the Limitation Act, 1963. On 20th November, 2009, the petitioner applied for certified copy of order, dated 10th November, 2009, by which the petitioner lost another 10 days. Certified copy of the order, dated 10th November, 2009, was made available on 27th November, 2009. The petitioner moved the Court of competent jurisdiction at Patiala on 23rd February, 2010. Hence, the petition for setting aside award could not have been dismissed on the ground that it is barred by limitation.

In view of the above, issue notice.

| (VINOD LAKHINA)  
| COURT MASTER

| | (INDU BALA KAPUR)  
| | COURT MASTER

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