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25/5/13

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Government of West Bengal
Land and Land Reforms Department
LR-1/C Branch
Writers' Buildings, Kolkata - 1

O/C Law
21/5/910

Date - 30.4.2013

Memo. No. 2957(43)-LR-1/C/95/13

From : The Assistant Secretary to the Government of West Bengal.

To : 1. The Director of Land Records & Surveys and Joint Land Reforms Commissioner, West Bengal, 35, Gopal Nagar Road, Alipur, Kolkata - 700 027.

2. The District Magistrate

..... District

..... Branch, Deptt. of L. & L. R.

3.

Sub: General Information on Section 34(3) of Arbitration and Conciliation Act, 1996.

The undersigned is directed to forward herewith the copy of NOTICE dated 19.03.13 along with enclosures received from Bimal Kumar Chatterjee, Id. Advocate General, West Bengal, on section 34(3) of the Arbitration and Conciliation Act, 1996 for information and taking necessary action from their end.

[Signature]
Assistant Secretary
L. & L. R. Department

Dated Alipore, the 25.9.12

Memo No. 9/4070-86/C/12 B/S

Copy forwarded for information and taking necessary action to DL & LRD

Purba Medinipur

Additional Director & Joint Secy, Land & Land Reforms Department, West Bengal.

26/9/13

P. Saha
U.D.P.

Pi. *[Signature]*
05/10/13

Bimal Kumar Chatterjee
Advocate General, West Bengal

Office of the Advocate
General, W.B.
High Court at Calcutta, 2nd

S.E.L. Phone : 033-2240 2496/2230 7212 (C)
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Dated, Kolkata, the 19th March, 2013.

TO MR. J. K. DUTTA

It has been brought to my notice that because of late/delayed filing e.g. (beyond time fixed by law) by the state applications for setting aside of arbitration awards are being dismissed by court. Because of dismissal of fairly good and sustainable applications the state is being saddled with huge financial liability. As an example a copy of the judgement and order dated 10th December, 2012 passed by the Hon'ble the Chief Justice Sanjib Banerjee of Calcutta High Court is enclosed herewith for your perusal.

Please note and you are also aware that under section 34(3) of the Arbitration and Conciliation Act, 1996 unless such applications are filed within 3 months from the date of receipt of the award, the applications get barred. Department suffering any such award, if intends to file any application for setting aside of the award, must therefore immediately contact their lawyers to take immediate steps to file such application well before expiry of 3 months from the date of receipt of the award without fail.

For general information section 34(3) of the Act is quoted herewith :-

"(3) An application for setting aside may not be made after three months have elapsed from the date on which the party making that application had received the arbitral award or, if a request had been made under section 33, from the date on which that request had been disposed of by the arbitral tribunal :

Provided that if the Court is satisfied that the applicant was prevented by sufficient cause from making the application within the said period of three months it may entertain the application within a further period of thirty days, but not thereafter".

sd/- Bimal Kumar Chatterjee
Advocate General.

19.3.2013