

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 4815 of 2018 (O&M)
Date of Decision: 03.04.2019

Veer Singh and others

..... Appellants

VERSUS

The District Revenue Officer-cum-Land Acquisition Collector and others

..... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Jagdeep Singh Rana, Advocate,
for the appellant.

JAISHREE THAKUR, J.

CM-15995-CII-2018

This is an application that has been filed under Section 151CPC seeking condonation of delay of 55 days in re-filing the instant appeal.

For the reasons mentioned in the application, the same is allowed.

Delay of 55 days in re-filing the appeal is condoned.

CM-15996-CII-2018

This is an application that has been filed under Section 151CPC seeking condonation of delay of 660 days in filing the instant appeal.

For the reasons mentioned in the application, the same is allowed.

Delay of 660 days in filing the appeal is condoned.

FAO No. 4815 of 2018

1. This is an appeal that has been filed seeking to challenge the impugned order dated 16.09.2015 passed by Addl. District Judge, Palwal

whereby the objections filed under Section 34 of the Arbitration & Conciliation Act, 1996 by the appellants have been dismissed.

2. In brief facts of the case are ; that land of the appellant was acquired for the development of National Highway of N.E.-11 (Eastern Peripheral Express Way) vide Gazette Notification under Section 3-A of the National Highway Act. Land was acquired by respondent No.1 vide order dated 08.07.2008 at the rate of ₹ 16 lacs per acre. A petition under Section 3G(5) and (7) for enhancement of compensation NH Act, 1956 accompanied by an application for condonation of delay was filed which was rejected by respondent No.3 vide order dated 11.05.2012 on ground of delay. Thereafter, appeal preferred against the said order too came to be dismissed on the ground of delay. Aggrieved against both the said order, the instant appeal has been filed.

3. Admittedly, an award dated 11.05.2012 came to be passed, which was to be challenged within the time frame as specified under Section 34(3) of the Arbitration & Conciliation Act, 1996, which reads as under :-

“34(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.”

4. The Act of 1996 provides for objections to be filed within a period of three months from the date of receipt of arbitral award and the same can be extended for a further period of 30 days by the Court, if satisfied that the applicant was prevented from sufficient cause from making the application within the stipulated period.

5. In the instant case, there is more than 530 days delay in filing the application, which is well beyond the period of three months and the additional 30 days as allowed under proviso to sub section 3 of Section 34 of the Act. In the judgment rendered by the Supreme Court in ***Union of India vs. M/s Popular Construction Co. 2002(1) R.C.R. (Civil) 124*** it has been held that an application for setting aside an award beyond the period prescribed under Section 34(3) is liable to be rejected. Therefore, finding no infirmity in the order of the Addl. District Judge, Palwal, dismissing the objections under Section 34 of the Act as being hopelessly time barred, this appeal is dismissed.

03.04.2019

Satyawan

Whether speaking/reasoned

Whether reportable

**(JAISHREE THAKUR)
JUDGE**

Yes

No