

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

**CM-4287-CII-2017 in/and  
FAO-1338-2017 (O&M)  
Date of Decision: 21<sup>st</sup> March, 2023**

Gurinder Singh @ Gurinderjit Singh

... Appellant

Versus

Sub-DivisionalMagistrate-cum-CompetentAuthority-cum-Land  
Acquisition Collector and others ... Respondents

**CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. Naresh Kaushal, Advocate for the appellant.  
Mr. Charanpreet Singh, Assistant Advocate General, Punjab.  
Mr. R.S. Madan, Advocate and Mr. Mahender Joshi, Advocate  
for respondent No.2.

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**AVNEESH JHINGAN , J.(Oral)**

**CM-4287-CII-2017**

1. This is an application for condonation of delay of 297 days in filing the appeal.

2. For the reasons mentioned in the application, the same is allowed and delay of 297 days in filing the appeal is condoned.

**Main case**

3. This appeal under Section 37 of the Arbitration and Conciliation Act, 1996 (for short 'the Act') is filed aggrieved of order dated 8.9.2015 dismissing the objections under Section 34 of the Act as time barred.

4. The undisputed facts are that land of the appellant situated in village Kathu Nangal, Teh. & District Amritsar was acquired for four-laning of National Highway-NH-15. The issue of compensation to be

awarded was referred to the Arbitrator and the proceedings culminated in award dated 13.3.2012. The appellant was not served the copy of award and on gaining knowledge, an application was filed on 12.4.2012 for supply of the copy of the award. The copy was supplied on 3.5.2012 and thereafter, the objections under Section 34 of the Act were filed on 3.9.2012. The objections were dismissed having been filed beyond 90 days i.e. limitation prescribed under Section 34(3) of the Act. There was neither a prayer made for condoning the delay nor the objections filed were not accompanied by application for condonation of delay.

5. Learned counsel for the appellant submits that no signed copy in compliance with Section 31(5) of the Act was supplied to the appellant, hence, the objections were within limitation.

6. Learned counsel for the respondents defends the impugned order.

7. It is not disputed that the appellant received a certified copy of the award on 3.5.2012 and the objections were filed beyond 90 days and no prayer was made for condoning the delay and no such request is made even before this Court.

8. In such circumstances, the stand of learned counsel for the appellant that the limitation will not start till the signed copies supplied lacks merit. The appellant had received the certified copy of the award on 3.5.2012 and objections were filed on 3.9.2012 i.e. beyond limitation.

9. The appeal is dismissed.

10. Since the main case has been dismissed, the pending application(s), if any is rendered infructuous.

(AVNEESH JHINGAN )  
JUDGE

21<sup>st</sup> March, 2023  
*anuradha*

Whether reasoned/speaking  
Whether reportable

Yes/No  
Yes/No