IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Arbitration Case No. 701/2024
Decided on:26.07.2024

State of H.P. & Ors. .....Petitioners.

Versus

Dharam Singh Rana ....Respondent.

.....

Coram
Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?[1]

For the petitioners **:** Mr. Y.P.S. Dhaulta, Mr. L.N. Sharma, Additional Advocates General with Ms. Leena Guleria, Deputy Advocate General.

For the respondents **:** Mr. Lovneesh Kanwar, Sr. Advocate with Mr. Tek Chand, Advocate.

Jyotsna Rewal Dua , J

OMP(M) No. 161/2023

Heard.

2. The applicants/petitioners have moved this application for condoning the delay in filing the objections under Section 34 of the Arbitration and Conciliation Act (the Act in short).

3. The objections preferred by the applicants/petitioners under Section 34 of the Act against the award dated 24.06.2022 passed by the learned Arbitrator, are barred by 317 days.

[1] *Whether reporters of the local papers may be allowed to see the judgment?*

It is well settled that Section 5 of the Limitation Act has no application to an application challenging an arbitral award under Section 34 of the Act. Under Section 34(3) of the Act, an application for setting aside the award on the grounds mentioned in Section 34(2) of the Act can be made within three months and the period can only be extended for a further period of thirty days on showing sufficient cause and not thereafter. The use of the words "but not thereafter" in the proviso to Section 34 makes it clear that extension cannot be beyond thirty days **(Ref.: Simplex Infrastructure Limited Versus Union of India).** [2]

4. In the instant case, there was delay of 317 days in moving the application, under Section 34 of the Act, by the present applicants/petitioners. Hence delay beyond 120 days in moving the application under Section 34 of the Act cannot be condoned. Accordingly, the application is dismissed.

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In view of the order passed in OMP(M) No. 161/2023, the arbitration case shall also stand dismissed, so also the pending miscellaneous application(s), if any.

Jyotsna Rewal Dua
Judge

July 26, 2024(rohit)

[2](2019) 2 SCC 455