



**FAO-2014-2019(O&M) and
FAO-2217-2019(O&M)**

214 (2 CASES)

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

(1) **FAO-2014-2019(O&M)**

Ganga Lal (since deceased) through his LRs

...Appellants

Versus

DRO – cum – Land Acquisition Collector/Competent Authority and
another

...Respondents

(2) **FAO-2217-2019(O&M)**

Rajender Singh and others

...Appellants

Versus

DRO – cum – Land Acquisition Collector/Competent Authority and
another

...Respondents

Date of decision:-11.11.2024

CORAM: HON'BLE MR.JUSTICE SUVIR SEHGAL

Present: Mr.Rishav Soni, Advocate and
Mr.Nikhil Lohia, Advocate for
Mr.Tanmoy Gupta, Advocate
for the appellants in both cases.

Mr.D.K. Singal, Advocate
for respondent No.2 in both cases.

SUVIR SEHGAL, J.(ORAL)

**CM-6198-CII-2019 in
FAO-2014-2019**

&

**CM-6734-CII-2019 in
FAO-2217-2019**



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1. Exemption, as prayed for, is granted.
2. Applications are allowed.

MAIN CASES

3. This order shall dispose of both the above-noted appeals as they involve common questions of law and fact. For the sake of convenience, factual position is being taken from **FAO-2014-2019**.

4. This appeal has been filed under Section 37 of the Arbitration and Conciliation Act, 1996 (for short 'the Arbitration Act') assailing judgment dated 18.12.2018, passed by the learned Additional District Judge, Palwal, whereby application for condonation of delay and consequently, objections under Section 34 of the Arbitration Act have been dismissed.

5. Factual matrix leading to the filing of the appeal is that the appellants are owners of land, which has been acquired by the respondents for construction of Eastern Peripheral Express Highway vide notification dated 21.03.2007 issued under Section 3 (D) of the National Highways Act, 1956. The competent authority announced award dated 04.03.2008 assessing the compensation for the acquired land. Dissatisfied with the assessment, appellants filed reference for enhancement of compensation, which was culminated in passing of award dated 02.09.2015 by the Arbitrator – cum – ADC, Palwal. Appellants preferred objections under Section 34 of the Arbitration Act, alongwith application for condonation of delay, which have been rejected by order impugned herein.



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6. While inviting attention of the Court to Section 34(3) of the Arbitration Act, counsel for the appellant submits that the learned Additional District Judge has failed to exercise the power vested in it for condonation of delay. He asserts that the objections preferred by the appellants were within the time as prescribed under the Arbitration Act.

7. Counsel for the respondents submits that the objections were filed beyond the prescribed period as laid down under Section 34 of the Arbitration Act and have rightly been rejected by the learned Additional District Judge.

8. I have heard counsel for the parties and considered their respective submissions.

9. Section 34 (3) of the Arbitration Act provides a period of limitation of three months for preferring objections from the date of delivery of the signed copy of the Award to the appellant, which can be further extended by another period of 30 days, if the party challenging the Award is able to show sufficient cause. This is the settled legal position.

In *Union of India Versus M/s Popular Construction Company, 2001 AIR (SC) 4010; M/s Consolidated Engineering Enterprises Versus Principal Secretary, Irrigation Department and others, (2008) 7 SCC 169; M/s Simplex Infrastructure Limited Versus Union of India, 2019 (1) RCR (Civil) 205, and Mahindra and Mahindra Financial Services Limited Versus Maheshbhai Tinabhai Rathod and others, (2022) 4 SCC 162*, the Supreme Court has held that the limitation for filing objections is prescribed under Section 34 of the Arbitration Act and the extent to which



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it can be condoned is also circumscribed. It has been clarified that Section 5 of the Limitation Act, 1963, is not applicable to condone the delay beyond the period prescribed under Section 34 (3) of the Arbitration Act. The result is that application under Section 5 of the Limitation Act, 1963, is ousted by proviso to Sub-Section 3 of Section 34 of the Arbitration Act.

10. Adverting to the factual position in the instant appeal, counsel for the appellants could not give the specific date, on which, the signed copy of the award dated 02.09.2015 was delivered or served upon the appellants. Perusal of the copy of the award appended with the appeal shows that it was passed in the presence of counsel for the appellants, but the objections under Section 34 of the Arbitration Act have been instituted by them on 11.04.2016. The ground that the appellants, who are rustic, were not aware of the limitation period, will not cut any ice. Although an application for condonation of delay has been moved, but in view of the settled legal position, noticed above, application is not maintainable. Therefore, this Court does not see any reason to interfere with the order passed by the learned Additional District Judge, Palwal, which is affirmed.

11. Consequently, both the appeals sans merit and are hereby dismissed.

11.11.2024

Brij

(SU VIR SEHGAL)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No