



FAO-3430-2019(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-3430-2019(O&M)

Date of Order:-19.11.2024

Hazari Lal (since deceased) through his LRs

...Appellants

Versus

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

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present :- Mr.Rishav Soni, Advocate for
Mr.Tanmoy Gupta, Advocate
for the appellants.

Mr.Sharad Aggarwal, DAG, Haryana.

SUVIR SEHGAL, J.

CM-11992-CII-2019

1. Exemption, as prayed for, is granted.
2. Application is allowed.

CM-11993-CII-2019

3. Application is allowed, as prayed for.

MAIN CASE

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



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been dismissed, as being barred by limitation.

5. Facts, in brief, may be noticed.

6. Land belonging to the appellants was intended to be acquired for development of National Highway NE-II (Eastern Peripheral Expressway) and Notification under Section 3-A of the National Highways Act, 1956, was issued on 21.01.2007, which was followed by a declaration under Section 3-D, *ibid*, on 21.03.2007. Competent Authority-cum-DRDA, Faridabad, assessed the compensation for the acquired land. Dissatisfied with the assessment, appellants invoked Section 3-G of the National Highways Act, and by award dated 02.09.2015, Arbitrator enhanced the compensation, and also awarded additional 10% under Section 3 (G) 2, *ibid*, to the landowners. Appellants preferred objections under Section 34 of the Arbitration Act, which have been dismissed by the learned Additional District Judge, Palwal, *vide* order impugned herein.

7. Counsel for the appellants has contended that the Court has erred in rejecting the objections as being barred by time as the limitation has to be computed from the date when a signed copy of the award is received by the appellants. He asserts that the objections were instituted within the period of limitation provided under the Act.

8. I have considered the contentions of the counsel and have examined the documents appended with the appeal with his able assistance.

9. Section 34 (3) of the Arbitration Act provides a period of limitation of three months from the date of receipt of a signed copy of the award for preferring objections, which may further be extended by



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another period of 30 days, if the party challenging the award is able to show sufficient cause. The law in this regard is well-settled and reference can be made to the judgments rendered by the Hon'ble Supreme Court of India in *Union of India Versus M/s Popular Construction Company 2001 AIR SC 4010; 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*. It has been held that as limitation is prescribed in Section 34, *ibid*, the extent to which it can be condoned is circumscribed and 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.

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 was delivered or served upon the appellants. Perusal of the copy of the award appended with the appeal shows that it was announced on 02.09.2015 in the presence of counsel for the parties. Objections have been filed by the appellants on 11.04.2016. The objections are clearly beyond the specified period of limitation. Appellants have neither moved an application for extension of time, as provided in Section 34 (3) of the Arbitration Act, nor has he given any reason for the delay. He has failed to show any sufficient cause in approaching the Court at a belated stage. Even before this Court, counsel for the appellants has not been able to advance any argument to explain



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the delay.

11. Therefore, this Court does not see any reason to interfere with the order passed by the learned Additional District Judge, Palwal.

12. Consequently, the appeal sans merit, and is hereby dismissed.

(SUVIR SEHGAL)
JUDGE

19.11.2024

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No