



FAO-3188-2022 (O&M)

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

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FAO-3188-2022 (O&M)
Date of Decision: 04.12.2024

Zile Singh

... Appellant

Vs.

State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Ram Bilas Gupta, Advocate for the appellant.

Mr. Sharad Aggarwal, DAG, Haryana.

SUVIR SEHGAL, J. (ORAL)

1. This appeal has been filed under Section 37 of the Arbitration and Conciliation Act, 1996 (for short "the Arbitration Act") assailing order dated 13.12.2019, passed by learned Additional District Judge, Faridabad, whereby objections under Section 34 of the Act, have been dismissed, as being barred by limitation.
2. Facts, in brief, may be noticed.
3. Land belonging to the appellant was acquired for development of National Highway NE-II (Eastern Peripheral Express Highway) vide notification dated 02.01.2007 under Section 3-A of the National Highways Act, 1956, which was followed by a declaration under Section 3- D, ibid, on 21.03.2007. Competent Authority-cum-DRO, Faridabad, assessed the compensation for the acquired land. Dissatisfied with the assessment, appellant invoked Section 3-G of the National Highways



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Act, and by award dated 18.02.2016, Arbitrator enhanced the compensation, and also awarded additional 10% towards easmentary rights to the landowner. Appellant preferred objections under Section 34 of the Arbitration Act, which have been dismissed by the learned Additional District Judge, Faridabad, vide order impugned herein.

4. Counsel for the appellant 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 delivered to the appellant. He asserts that the objections were instituted within the period of limitation provided under the Arbitration Act.

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

6. 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 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 Verus 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.

7. Adverting to the factual position in the instant appeal, counsel for the appellant could not give the specific date, on which, the signed copy of the award was delivered or served upon the appellant. Perusal of the copy of the award dated 18.02.2016 shows that it was announced in the presence of the counsel. Appellant received the compensation amount in June, 2016 and filed objections on 28.09.2017. The ground that the appellant was not aware of the period of limitation cannot be accepted because the appellant has been taking recourse to the legal remedies available to him. Although application for condonation of delay has been moved by the appellant, but the Court cannot condone the delay beyond the period stipulated under Section 34(3) of the Arbitration Act. Therefore, this Court does not see any reason to interfere with the order passed by the learned Additional District Judge, Faridabad.

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

04.12.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>