



FAO-4816-2023 (O&M)
FAO-4485-2023 (O&M) and
FAO-6230-2023 (O&M)

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**THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

246

FAO-4816-2023 (O&M)
Date of decision: 30.09.2024

PAL SINGH AND ORS.

... Appellant

Vs.

INDIAN RAILWAYS THROUGH CPM/
DEDICATED FREIGHT CORRIDOR AND ORS

... Respondents

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FAO-4485-2023 (O&M)

PAL SINGH AND ORS.

... Appellant

Vs.

INDIAN RAILWAYS THROUGH CPM/
DEDICATED FREIGHT CORRIDOR AND ORS

... Respondents

AND

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FAO-6230-2023 (O&M)

PAL SINGH AND ORS.

... Appellant

Vs.

INDIAN RAILWAYS THROUGH CPM/
DEDICATED FREIGHT CORRIDOR AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Manoj Kaushik, Advocate for the appellants.



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Mr. Vivek Singla, Advocate and
Ms. Urvashi Singh, Advocate for respondents No.1 to 3.

Mr. Satish Singla, AAG, Haryana
for respondent No. 4.

SUVIR SEHGAL, J.

CM-16458-CII-2023 in FAO-4816-2023
CM-15039-CII-2023 in FAO-4485-2023
CM-21409-CII-2023 in FAO-6230-2023

1. For the reasons mentioned in the applications, same are allowed.

2. Delay in re-filing of the appeals is condoned.

CM-16457-CII-2023 in FAO-4816-2023
CM-15038-CII-2023 in FAO-4485-2023
CM-21408-CII-2023 in FAO-6230-2023

3. Exemption, as prayed for, is granted.

4. Applications are allowed.

CM-21406-CII-2023 in FAO-6230-2023 and
CM-15037-CII-2023 in FAO-4485-2023

5. As deficiency in court fee has been made good, time period for affixing the court fee is extended till the date of actual deposit.

6. Applications are disposed of.

Main cases.

7. This order shall dispose of the above noted three appeals as they involve common question of law and facts.

8. For the sake of convenience factual position is being taken from FAO-4816-2023.



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9. This appeal has been filed under Section 37 of the Arbitration and Conciliation Act, 1996 (for short 'the Arbitration Act') assailing judgment dated 25.01.2023, passed by the learned Additional District and Sessions Judge, Palwal, whereby objections filed under Section 34 of the Arbitration Act, for setting aside/modification of arbitral award have been dismissed.

10. Factual matrix leading to the filing of the appeal is that the appellants are owners of land in village Chhaprola, District Palwal, which has been acquired by the respondents for Western Dedicated Freight Corridor vide notification dated 30.08.2010 issued under the Indian Railways Act, 1989. The competent authority announced award dated 29.12.2014 assessing the compensation for the acquired land. Dissatisfied with the assessment, appellants filed applications under the Railways Act for enhancement of compensation, which was culminated in passing of award dated 07.10.2016, Annexure A-1. The appellants preferred objections under Section 34 of the Arbitration Act, which have been rejected by order impugned herein.

11. 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.



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12. Advance copy of the appeal has been served upon the respondents. Counsel for the respondents submits that the objections were filed beyond the period as laid down under Section 34 of the Arbitration Act and have rightly not been entertained by the learned Additional District Judge.

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

14. Section 34 (3) of the Arbitration Act provides a period of limitation of three months for preferring objections from the date of receipt of the signed copy of the Award by 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 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



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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.

15. Coming to the facts of the present case, counsel for the appellants could not dispute that the signed copy of the arbitral award was delivered to the appellants on 16.02.2017 and the objection petition under Section 34 of the Arbitration Act has been instituted on 02.08.2017. It is, therefore, evident that objections are clearly beyond the period of limitation specified in Section 34 of the Arbitration Act. Even if an extended period of 30 days is granted to the appellants as laid down under Section 34(3) of the Act, even then the objections filed by the appellants are barred by time. This Court, therefore, does not find any perversity in the impugned judgment passed by the learned Additional District Judge, Palwal, which is upheld.

16. Appeals are devoid of merit and are dismissed with no order as to costs.

30.09.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No