



FAO-4632-2019 (O&M)

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

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FAO-4632-2019 (O&M)
Date of decision:- 03.10.2024

Hukam Chand

...Appellant

Versus

D.R.O.-cum-Land Acquisition Collector/Competent
Authority and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Onkar Singh Wahla, Advocate for
Mr. M.S. Tewatia, Advocate
for the appellant.

Mr. Sharad Aggarwal, DAG, Haryana.

SUVIR SEHGAL, J.

CM-15551-CII-2019

1. For the reasons given in the application, it is allowed.
2. Delay of 71 days in refiling the appeal is condoned.

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3. This appeal has been filed under Section 37 of the Arbitration and Conciliation Act, 1996 (for short "the Arbitration Act") assailing order dated 07.04.2017, passed by learned Additional District Judge, Palwal, whereby objections under Section 34 of the Act, have been dismissed, as being barred by limitation. Appeal is accompanied with an application for condonation of delay of 509 days, in its filing.



4. Facts, in brief, leading to the filing of the appeal are that land belonging to the appellant was intended to be acquired for development of National Highway NE-II (Eastern Peripheral Express Highway) and Notification under Section 3-A of the National Highways Act, 1956, was issued on 02.01.2007, which was followed by a declaration under Section 3- D, *ibid*, on 21.03.2007. Competent Authority-cum-DRO, Palwal, assessed the compensation for the acquired land. Dissatisfied with the assessment, appellant invoked Section 3-G of the National Highways Act, and by award dated 02.09.2015, Arbitrator enhanced the compensation. Appellant preferred objections under Section 34 of the Act, which have been dismissed by the learned Additional District Judge, Palwal, vide order impugned herein.

5. 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 Act.

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

7. 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; M/s Consolidated***



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 Act.

8. 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. Award was passed on 02.09.2015 in the presence of the counsel for the appellant and objection petition under Section 34 of the Arbitration Act was instituted on 10.03.2016. It is evident that objections are clearly beyond the specified period of limitation. Even if the extended period of 30 days is granted to the appellant as provided in Section 34 (3) of the Arbitration Act, even then the objections are barred by time. Therefore, this Court does not find any perversity with the impugned order passed by the learned Additional District Judge, Palwal.

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

10. Application for condonation of delay in filing is also dismissed as the main appeal has been found to be meritless.

(SUVIR SEHGAL)
JUDGE

03.10.2024
pooja saini

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