



**FAO-109-2024(O&M) and
FAO-114-2024(O&M)**

117 (2 CASES)

-1-

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

(1) **FAO-109-2024(O&M)**

Bhajan Lal

...Appellant

Versus

Union of India and others

...Respondents

(2) **FAO-114-2024(O&M)**

Bhajan Lal

...Appellant

Versus

Union of India and others

...Respondents

Date of decision:-12.12.2024

CORAM: HON'BLE MR.JUSTICE SUVIR SEHGAL

Present: Mr. Manjit Singh Gahlawat, Advocate for
Mr. J.S. Thind, Advocate
for the appellant in both cases.

Dr. Puneet Kaur Sekhon, Advocate
for respondents No.1 and 2 in both cases.

SUVIR SEHGAL, J.(ORAL)

**CM-256-CII-2024 in
FAO-109-2024
&**



**FAO-109-2024(O&M) and
FAO-114-2024(O&M)**

117 (2 CASES)

-2-

**CM-265-CII-2024 in
FAO-114-2024**

1. Applications are allowed, as prayed for.
2. Delay of 140 days in re-filing **FAO-109-2024** and delay of 145 days in re-filing **FAO-114-2024**, stand condoned.

**CM-260-CII-2024 in
FAO-109-2024
&
CM-267-CII-2024 in
FAO-114-2024**

3. Applications are allowed, as prayed for.

MAIN CASES

4. 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-109-2024**.
5. This appeal has been filed under Section 37 of the Arbitration and Conciliation Act, 1996 (for short 'the Arbitration Act') assailing judgment dated 02.03.2023, passed by the learned Additional District Judge, Hisar, whereby application for condonation of delay and consequently, objections under Section 34 of the Arbitration Act have been dismissed.
6. Factual matrix leading to the filing of the appeal is that the appellant is owner of land situated in village Gangwa, Tehsil and District Hisar, which has been acquired by the respondents for widening of a section of NH - 65 vide notification dated 05.06.2013 and 05.02.2014 issued under Section 3 of the National Highways Act, 1956. The



**FAO-109-2024(O&M) and
FAO-114-2024(O&M)**

117 (2 CASES)

-3-

competent authority announced award dated 04.03.2015 assessing the compensation for the acquired land. Dissatisfied with the assessment, appellant filed reference for enhancement of compensation, which was culminated in passing of award dated 16.04.2019 by the Arbitrator – cum – ADC, Hisar. Appellant preferred objections under Section 34 of the Arbitration Act, alongwith an application for condonation of delay, which have been rejected by order impugned herein.

7. 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.

8. 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.

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

10. 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



FAO-109-2024(O&M) and
FAO-114-2024(O&M)

117 (2 CASES)

-4-

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 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.

11. Adverting to the factual position in the instant appeal, a copy of the award was delivered to the appellant on 03.06.2019 and objection petition has been instituted on 07.12.2021. Appellant is not entitled to the benefit of the Covid period (from 15.03.2020 to 28.02.2022) as the limitation for filing the objections had expired prior thereto. Reference can be made to *Delhi Development Authority Versus Tejpal and others (2024) 7 SCC 433*. The ground that the appellant, who is rustic, was 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



**FAO-109-2024(O&M) and
FAO-114-2024(O&M)**

117 (2 CASES)

-5-

passed by the learned Additional District Judge, Hisar, which is affirmed.

12. Consequently, both the appeals san merit and are hereby dismissed.

12.12.2024
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**(SUVIR SEHGAL)
JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No