



FAO-6004-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(114)

FAO-6004-2023 (O&M)

Date of decision:- 18.09.2024

Jai Parkash and another

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Gautam Kaile, Advocate, for
Mr. Om Parkash Sharma, Advocate
for the appellants.

Mr. Aman Bahri, Additional Advocate General, Haryana.

...

SUVIR SEHGAL, J. (Oral)

CM-20542-CII-2023

Exemption, as prayed for, is granted.

Application is allowed.

FAO-6004-2023

1. This appeal has been filed under Section 37 of the Arbitration and Conciliation Act, 1996 (for short "the Act") assailing order dated 05.04.2022, passed by learned Additional District Judge, Faridabad, 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 426 days, in its refiling.



2. Facts, in brief, may be noticed.

3. Land belonging to the appellants 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, 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 05.02.2016, Arbitrator enhanced the compensation, and also awarded additional 10% towards easmentary rights to the landowners. Appellants preferred objections under Section 34 of the Act, which have been dismissed by the learned Additional District Judge, Faridabad, vide order impugned herein.

4. 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.

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 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 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, 1961, is not applicable to condone the delay beyond the period prescribed under Section 34 (3) of the Act.

7. 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 *xerox* copy of the award appended with the appeal shows that its certified copy was prepared and delivered on 02.02.2018. Objections have been filed by the appellants on 20.11.2018. 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 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 the delay.

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



9. Consequently, the appeal sans merit, and is hereby dismissed.
10. Application for condonation of delay in refiling is also dismissed as the main appeal has been found to be meritless.

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(SUVIR SEHGAL)
JUDGE

18.09.2024
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes