



FAO-4247-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(108)

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Date of decision:- 13.12.2024

Smt. Rajkala (Since deceased) through LRs

...Appellants

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. S.N.Pillania, Advocate, for the appellants.

...

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 judgment dated 22.03.2023, passed by the learned Additional District Judge, Jind, whereby application for condonation of delay and consequently, objections under Section 34 of the Arbitration Act have been dismissed.

2. Factual matrix leading to the filing of the appeal is that the appellants are owners of land, in village Pauli, Tehsil Jalana, District Jind, which has been acquired by the respondents for widening of NH-71, vide notifications issued under the National Highways Act, 1956. The competent authority announced award dated 01.10.2013, assessing the compensation for the acquired land. Dissatisfied with the assessment, appellants filed reference for enhancement of compensation, which was culminated in passing of award dated 23.11.2015, Annexure A-4, by the Arbitrator-cum-ADC, Jind. Appellants preferred objections under Section 34 of the Arbitration Act, alongwith application,



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Annexure A-2, under Section 5 of the Limitation Act, 1963, for condonation of delay, which have been rejected by order impugned herein.

3. While inviting attention of the application, Annexure A-1, counsel for the appellants urges that the signed copy of the award was never delivered and the objections have been erroneously rejected as being barred by limitation.

4. I have heard counsel for the appellants and considered his submissions.

5. 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 appellants, 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 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.



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6. Perusal of the xerox copy of the award, Annexure A-4, shows that it was passed in the presence of counsel for the appellants and its certified copy was delivered on 02.08.2016. Objections under Section 34 of the Arbitration Act have been instituted by the appellants on 03.05.2018. The ground that the appellants, who are rustic, were 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 passed by the learned Additional District Judge, Jind, which is affirmed.

7. Consequently, appeal sans merit and is dismissed.

(SUVIR SEHGAL)
JUDGE

13.12.2024
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes