

CR-4179-2023 AND CONNECTED CASES

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(113-1)

CR-4179-2023

Date of decision :-26.04.2024

Gurbax Singh and others	Versus	...Petitioners
Union of India and others		...Respondents
CR-4195-2023		
Gurbax Singh and others	Versus	...Petitioners
Union of India and others		...Respondents
CR-4200-2023		
Nirmal Singh and another	Versus	...Petitioners
Union of India and others		...Respondents
CR-4254-2023		
Gurpreet Singh	Versus	...Petitioner
Union of India and others		...Respondents
CR-4255-2023		
Gurnam Singh and others	Versus	...Petitioners
Union of India and others		...Respondents
CR-4256-2023		
Basant Singh and others	Versus	...Petitioners
Union of India and others		...Respondents
CR-4257-2023		
Nirmal Singh and another	Versus	...Petitioners
Union of India and others		...Respondents

CR-4179-2023 AND CONNECTED CASES

-2-

		CR-4258-2023
Gurdev Singh	Versus	...Petitioner
Union of India and others		...Respondents
		CR-4259-2023
Basant Singh and others	Versus	...Petitioners
Union of India and others		...Respondents
		CR-4283-2023 (O&M)
Hukam Singh @ Hukum Singh @ Kuldeep Singh (since deceased) through LRs	Versus	...Petitioner(s)
Union of India and others		...Respondents
		CR-4298-2023
Gurpreet Singh	Versus	...Petitioner
Union of India and others		...Respondents
		CR-4299-2023
Gurpreet Singh	Versus	...Petitioner
Union of India and others		...Respondents
		CR-4301-2023
Gurbax Singh and others	Versus	...Petitioners
Union of India and others		...Respondents
		CR-4302-2023
Gurpreet Singh	Versus	...Petitioner
Union of India and others		...Respondents

CORAM: HON’BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Ashish Gupta, Advocate
for the petitioners (in all cases).

SUVIR SEHGAL, J (ORAL)

1. This order shall dispose of the above noted 14 Revision Petitions as they involve common questions of law and facts. For the sake of convenience, factual position is being taken from CR-4179-2023.

2. By way of present revision petition, petitioners have approached this Court under Article 227 of the Constitution of India assailing order dated 17.12.2022, Annexure P-5, whereby, learned Additional District Judge, Ferozepur, has dismissed application dated 29.10.2019, Annexure P-3, filed by the petitioners, under Section 5 of the Limitation Act, 1963, seeking condonation of delay in the filing of the Objection Petition under Section 34 of the Arbitration and Conciliation Act, 1996 (for brevity hereinafter referred to as “the Act of 1996”).

3. Facts leading to the filing of the petition are that land owned by the petitioners was acquired for Four-Lining of National Highway No.71. Notification dated 20.05.2014, was issued under Section 3A of the National Highways Act, 1956. Competent Authority Land Acquisition (CALA)-cum-SDM, Moga, announced award dated 11.09.2015, assessing compensation for the land acquired in Village Dosanjh, District Moga. Dissatisfied with the Award, petitioners as well as the National Highway Authority of India sought reference to an Arbitrator. By Award dated 24.05.2019, Annexure P-1, Arbitrator-cum-Commissioner, respondent No.5, enhanced the compensation for agricultural land to Rs.1781 per square yard and awarded Rs.2408 per square yard for residential and

CR-4179-2023 AND CONNECTED CASES**-4-**

commercial land besides solatium etc. Petitioner filed Objection Petition, Annexure P-2, before the learned District Judge, along with an application, Annexure P-3, under Section 5 of the Limitation Act, 1963, seeking leave of the Court to entertain the objections after condoning the delay. Application was contested by respondents No.1 and 2 by filing reply, Annexure P-4, and after contest, application has been declined by order, Annexure P-5, which has been impugned herein.

4. Counsel for the petitioners has argued that learned Additional Judge has erred in dismissing the application for condonation of delay without considering the explanation given by the petitioners for the delay in filing the objections. He has sought setting aside of the order under challenge.

5. I have heard counsel for the petitioner and considered his arguments.

6. The sole question to be considered is whether provisions of Section 5 of the Limitation Act, 1963 are applicable to objections filed under the Act of 1996. This matter is no longer res integra and has been answered by the Supreme Court in a number of cases.

7. Section 34(3) of the Act of 1996 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 petitioners, 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) 2005, and Mahindra and Mahindra Financial Services Limited Versus Mahesh Bhai Tina Bhai Rathod and others, (2022) 4 SCC 162*, Supreme Court has held that the limitation for filing objections is prescribed under Section 34 of the Act of 1996 and the extent to which it can be condoned is also circumscribed. It has been clarified that 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 of 1996. The result is that application under Section 5 of the Limitation Act, 1961, is ousted by proviso to Sub-Section 3, Section 34 of the Act of 1996. There is no illegality or impropriety with impugned order, passed by the learned Additional District Judge, Ferozepur, which does not call for any interference.

8. Finding no merit, all the petitions are hereby dismissed.

(SUVIR SEHGAL)
JUDGE

26.04.2024
Pardeep

Whether speaking/reasoned	Yes
Whether reportable	Yes