

FAO-6632-2023 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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FAO-6632-2023 (O & M)

Date of decision:-09.04.2024

NATIONAL HIGHWAY AUTHORITY OF INDIA ...APPELLANT

VERSUS

DARSHAN SINGH AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Birinder Pal, Advocate for the appellant.

SUVIR SEHGAL, J.

CM-22995-CII-2023

1. Application is allowed as prayed for as deficiency in Court fee has been made good.

Main Case

2. This appeal has been filed under Section 37 of the Arbitration and Conciliation Act, 1996 (for short "the Act") assailing order dated 02.08.2023 passed by the learned Additional District Judge, Jalandhar, whereby objections under Section 34 of the Act, have been dismissed as being barred by time. Appeal is accompanied with an application for condonation of delay of 83 days in its institution.

3. Facts, in brief, may be noticed.
4. Land belonging to private respondents No.1 and 2 was intended to be acquired for widening of National Highway No.1-A by the appellant and Notification under Section 3-A of the National Highways Act, 1956, was issued on 24.12.2004. It was followed by a declaration under Section 3-D, *ibid*, on 11.07.2005. Competent Authority-cum-Land Acquisition Collector, SDM, Dasua, respondent No.3, 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 16.12.2020, Annexure A-1, Arbitrator enhanced the compensation by assessing the market value of the land at Rs.2 lac per marla and also awarded statutory benefits to the land-owners. Appellant preferred objections under Section 34 of the Act, which have been dismissed by the learned Additional District Judge, Jalandhar, vide order under challenge 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 received by 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 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

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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 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 Mahesh Bhai, Tina Bhai 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.

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. Perusal of the *xerox* copy of the award, Annexure A-1, appended with the appeal shows that its certified copy was prepared on 09.06.2021. Objections have been filed by the appellant on 24.12.2021. The objections are clearly beyond the specified period of limitation. Appellant has 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 appellant has not been able to advance any argument to explain the delay.

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9. Therefore, this Court does not see any reason to interfere with the order passed by the learned Additional District Judge, Jalandhar.
10. Consequently, the appeal sans merit and is hereby dismissed.
11. Application for condonation of delay as well as other miscellaneous applications are also dismissed as the main appeal has been found to be meritless.

09.04.2024
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No