

IN THE HIGH COURT OF JUDICATURE AT PATNA
COMMERCIAL APPEAL No.3 of 2023

1. The General Manager, East Central Railway, Hazipur Bihar.
2. The Principal Chief Engineer, E C Rly, Hajipur, Vaishali.
3. The Divisional Railway Manager, E C Rly, Danapur, Patna.
4. The Sr. Divisional Engineer-III, E C Rly, Danapur, Patna.
5. Sri Anil Kumar, Sr. Den - III, E C Rly, Danapur, Patna.
6. The ADEN (Line), E C Rly, Danapur, Patna.
7. The S.S.E. (Works), E C Rly, Danapur, Patna.

... .. Appellant/s

Versus

Ashwaini Kumar Son of Sheo Shankar Prasad Singh, Resident of Purani Bijli Colony, Uтта Station, Jahanabad, P.S- Jahanabad, District- Jahanabad.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Satyabir Bharti, Sr. Advocate
		Mr. Alok Kumar, CGC
For the Respondent/s	:	Mr. Amresh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

8 16-04-2026 The present appeal has been preferred for setting aside the order dated 25.07.2023 passed by the learned District Judge, Patna in Misc. Arbitration Case No. 130 of 2022.

2. By the impugned order, the learned Court has been pleased to dismiss the application under Section 34 of the Arbitration and Conciliation Act, 1996 (as amended upto date) (hereinafter referred to as the 'Act of 1996) on the ground that the said application was hopelessly barred by limitation.

3. It is evident on going through the order of the



learned Court that the application under Section 34 of the Act of 1996 was preferred with a delay of 159 days. The learned Court is correct in taking a view that the limitation for filing an application under Section 34 of the Act of 1996 is 90 days from the date of the award and the same can be extended at best for a further period of 30 days. The law mandates that thereafter no application under Section 34 of the Act of 1996 can be entertained.

4. Mr. Satyabir Bharti, learned Senior Counsel for the appellants has submitted before this Court that keeping in view the well settled legal position, he would not venture into any discussion on the subject.

5. Learned counsel for the respondent is present.

6. In the aforesaid view of the matter, we are of the considered opinion that the appeal has got no merit. It is dismissed, accordingly.

7. The I.A., if any, stands disposed of.

(Rajeev Ranjan Prasad, J)

(Soni Shrivastava, J)

devendra/priyanka/-

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