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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-1031-2026(O&M)

Date of Decision: 19.03.2026

M/S ROYAL THRESHERS AND IMPLEMENTS

....Petitioner(s)

Versus

M/S AMAR SINGH AND SONS AND ANOTHER

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Himani Kapila, Advocate, for the appellant.

JASGURPREET SINGH PURI, J. (Oral)

1. The present appeal has been filed for setting aside of the order dated 18.11.2025 passed by learned Additional District Judge, Ludhiana vide which the application was filed under Section 5 of the Limitation Act for condonation of delay in filing the objections under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') has been dismissed.

2. Learned counsel appearing on behalf of the appellant submitted that the award was passed on 30.09.2021 but the same was never sent to the appellant and the appellant did not have any knowledge with regard to the same and it was only on 25.04.2024, when the appellant appeared in the execution proceedings that it came to know about the aforesaid award. She submitted that the appellant was not in possession of the certified copy of the award and it was because of the mistake of the counsel, who did not



inform the appellant about the passing of the award in the year 2021 and it was when a certified copy of the award was received by the appellant, then the objections were filed under Section 34 of the Act accompanied by the application under Section 5 of the Limitation Act.

3. I have heard the learned counsel for the appellant and have also perused the aforesaid impugned order passed by learned Additional District Judge, Ludhiana.

4. Learned Additional District Judge, Ludhiana has rejected the application filed by the appellant under Section 5 of the Limitation Act as well as the objections filed under Section 34 of the Act on two grounds. Firstly, the objections were filed beyond the period of limitation prescribed under Section 34 of the Act i.e. three months plus thirty days. Secondly, since it was a case pertaining to an award passed under Section 18 of the Micro, Small and Medium Enterprises Development Act, 2006 (hereinafter referred to as 'the MSMED Act'), then in terms of provisions of Section 19 of the MSMED Act, the appellant was required to deposit 75% of the awarded amount, which was not deposited by the appellant and therefore, on that ground also, the application was dismissed.

5. The award in the present case was passed on 30.09.2021. The learned Additional District Judge, Ludhiana observed in para No.9 of the impugned order that from a perusal of the record, it was clear that a copy of the award was sent to the appellant by way of a registered cover bearing endorsement 'Returned to Sender-Addressee left without instructions' bearing date 10.03.2022. No objections were filed by the appellant thereafter and the appellant appeared in the execution proceedings on 25.04.2024 and



received a copy of the arbitral award but still the appellant did not file objections under Section 34 of the Act and it was after about a lapse of 8 months that the objections were filed by the appellant along with the application under Section 5 of the Limitation Act.

6. So far as the application under Section 5 of the Limitation Act is concerned, it is a settled law that the provisions of Section 5 of the Limitation Act do not apply to the proceedings under Section 34 of the Act and therefore, no such application under Section 5 of the Limitation Act could have been entertained. The only window for filing of objections beyond the period of three months is that of 30 days, which is contained under the provisions of the Act itself which is a self-contained code. The award was passed in the year 2021 and as per learned counsel for the appellant, the appellant did not receive the aforesaid award, although it was sent through registered post. However, Section 3(1)(b) of the Act provides that where none of the places referred to in clause (a) can be found after making a reasonable inquiry, a written communication is deemed to have been received if it is sent to the addressee's last known place of business, habitual residence or mailing address by registered letter or by any other means which provides a record of the attempt to deliver it. In the present case, the award was sent through registered cover and as per the postal report, the addressee had left without instructions but there is neither anything on the record to show nor it has been so pleaded by the learned counsel for the appellant that the address was not the correct address and therefore, by virtue of Section 3(1)(b) of the Act, the award is deemed to have been received by the appellant. In this way, there was a huge delay in



filing of the objections because the award was passed on 30.09.2021 and the report on the registered cover was of 10.03.2022 but the objections have been filed on 31.05.2025.

7. Not only this, even as per the appellant, he became aware of the passing of the award in the execution proceedings on 25.04.2024 but still the objections under Section 34 of the Act were not filed by the appellant and they were filed with a further delay of about 10 months and therefore, in this way as well, the period of limitation beyond the period of three months plus thirty days could not have been condoned. Furthermore, since the award was under the provisions of the MSMED Act, it was mandatory for the appellant to deposit 75% of the awarded amount in terms of Section 19 of the MSMED Act. In this regard as well, the law has been settled by Hon’ble Supreme Court in *Gujarat State Disaster Management Authority vs. Aska Equipments Limited, 2022(1) SCC 61*.

8. In view of the above, this Court is of the considered view that the present appeal is devoid of any merit and the same is hereby dismissed.

19.03.2026

(JASGURPREET SINGH PURI)

rakesh

JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No