



Jagdev Singh v. Union of India and others (P&H)  
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**PUNJAB AND HARYANA HIGH COURT**

Before: Suvir Sehgal, J

CR-4476 of 2023 (O&M)

**Decided on: 09.05.2024**

Jagdev Singh - Petitioner

***Versus***

Union of India and others - Respondents

**Arbitration and Conciliation Act, 1996 (26 of 1996), Section 34 -- Limitation Act, 1963 (36 of 1963), Section 5 – Objections against award of Arbitration -- Condonation of delay – Whether provisions of Section 5 of the Limitation Act, 1963 are applicable to objections filed under the Act of 1996 – Held, application u/s 5 of the Limitation Act, is ousted by proviso to Sub-section 3 of Section 34 of the Act, 1996.**

(Para 1, 5, 6)

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**Full text Judgment/ Order with Headnote**

**Note:**

**For easy reference of readers, alongwith Headnote, the judgment downloaded from the official website of the Court has been annexed**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

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**CR-4476-2023 (O&M)**

Date of Decision: 09.05.2024

Jagdev Singh

... Petitioner

Vs

Union of India and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present: Mr. Ashish Gupta, Advocate for the petitioner.

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**SUVIR SEHGAL, J. (ORAL)**

1. By way of present revision petition, petitioner has 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 petitioner, 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").

2. Facts leading to the filing of the petition are that land owned by the petitioner was acquired for Four-Lining of National Highway

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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, petitioner 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.985.49 per square yard and awarded Rs.1145.55 per square yard for residential and 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.

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

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

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5. 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.

6. 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 petitioner, 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, 1963, 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, 1963, is ousted by proviso to Sub-Section 3, Section 34 of the Act of 1996. There is no illegality or

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impropriety with impugned order, passed by the learned Additional District Judge, Ferozpur, which does not call for any interference.

7. Finding no merit, the petition is hereby dismissed.

**( SUVIR SEHGAL )  
JUDGE**

**09.05.2024**  
pooja saini

<i>Whether Speaking/Reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>