

CNR No. PBSA010080402019

CASE No. ARB-329-2019

Prem Singh Vs Union of India & others

Present: Sh. Swayam Bansal, Advocate, Sh Chanchal K Singla
Advocate, Sh. Inderdeep Singh Advocate for the
petitioner.
Sh. D.K. Singal, Advocate for the respondents no.1 & 2.
Sh. A.P.S. Virk, GP for the respondent no.3.
Sh. Narnider Kumar Vashisht, Advocate for respondents
no.4 & 5.

1. This order of mine shall dispose of a question as to whether the present petition under Section 34 of the Arbitration and Conciliation Act, 1996 filed by petitioners is barred by limitation. The petitioners have not preferred any separate application seeking condonation of delay in filing application under Section 34 of the Arbitration and Conciliation Act, 1996 for setting aside of the arbitral award dated 21.02.2019

2. The record has been perused and rival contentions of the parties heard.

3. Perusal of the record transpires that award was passed on 21.02.2019 by the Arbitrator. Feeling aggrieved, the petitioners filed an application under Section 34 of the Arbitration and Conciliation Act, 1996 for setting aside of the award dated 21.02.2019 and enhancement of the compensation assessed by the arbitrator for the acquired land.

4. Section 34(3) of the Act stipulates a time line of three months for making an application under Section 34 of the Act. The time line is to be considered from the date on which the party had received the arbitrator award. The proviso appended there to empowers

the court to condone the further delay of 30 days in the event of showing of sufficient cause. However, in the instant case, there is delay of 196 days.

5. Learned counsel for the respondent has relied upon judgments cited as **2020 (2) SCC 109, 2005(3) RCR (Civil) Page 290 (P&H), 2002(1) RCR (Civil) Page 662(SC), 2021(3) RCR (Civil) Page 513 (SC), 2023 Insc(SC) page 2287693** holding that the Court cannot condone the delay beyond the period of 30 days.

6. The ld. Counsel for the petitioner has argued that he had applied for the award on 22.07.2019 and it was handed over to him on 22.07.2019 and thereafter, he immediately filed the present petition on 05.09.2019. Hence, the petition under Section 34 of the Arbitration and Conciliation Act had been filed by the petitioner within time. The argument so put forth by the ld. Counsel for the petitioner is not tenable, as the provisions of the Arbitration Act provides that the limitation begins only from the date of delivery of the signed copy of the Award. Thus, it was incumbent upon the applicant to plead and prove that the signed copy of the arbitral Award was not delivered to him on the date of pronouncement of the Award and rather, it was handed over lateron. The pleadings do not disclose the date of receipt of the signed copy of the Award and the Court cannot automatically presume that limitation started on the date when he received the certified copy of the Award. The objector was required to establish when the signed copy of the award was actually delivered by the Arbitrator. On failure of the objector to establish the same despite the

objections having been raised, it can be safely concluded that the petition has been filed beyond the period of limitation. From the contents of the objection petition filed by the objector, this fact is further fortified from paragraph no.13 of the objection petition, where it has been specifically mentioned “*no evidence adduced by the objectors/petitioners has been considered. As many as 35 documents were exhibited by the objectors/petitioners, however, not a single document has been discussed by the Arbitrator thus rendering the award illegal.*”. It is not the case that the objectors were unrepresented or they had no knowledge of the award having been passed and that it was passed in their absence. When they were present at the time of passing of the award on 21.02.2019, it clearly shows that they had the knowledge of the award having been passed and the same had been communicated to them. If for any reason, they apply for the copy of the award after 5-6 months, they cannot take the plea that since the copy of the award had been provided to them on 22.07.2019, the period of limitation would begin to run from the said date. The Act is specific in this regard. Once the objector is litigating with the respondents through their counsel, it was the duty of the applicant/objector to know about the further proceedings and status of the case and also to apply for the copy of the award immediately. The objections are completely silent about the date of receipt of signed copy of the Award. Therefore, the plea taken by the objectors/applicants that the objections have been filed within limitation is not sustainable. The award was passed in their presence of the counsels for the parties and the delay in applying for

the copy of the award by the objectors themselves has not been satisfactorily explained. Even the application for condonation of delay has not been filed by the objectors.

7. In the aforesaid view of the matter, the present application under Section 34 of the Arbitration and Conciliation Act, 1996 stands dismissed being barred by limitation. File be consigned to the record room.

Pronounced in Open Court.
Dated: 10.07.2026

Tajinder Singh

(Neetika Verma),
Additional District Judge
SAS Nagar/UID-PB0209