

Prem Chand v. The Collector Land Acquisition (Reg. No.169 of 2025).

01.07.2026

Present: Sh. Lal Singh, Ld. Vice counsel for the applicant.
Sh. Vinod Bhardwaj, Ld. D.A. for respondents No.1 and 3.
Ms. Sunita Verma, Ld. Counsel for respondent No.2.

This order shall hereby dispose of an application filed by the applicant under Section 14(2) of the Limitation Act read with section 34(3) of the Arbitration and Conciliation Act, 1996 for condoning the delay and to compute the period of limitation for filing objection petition under section 34 of the Act by excluding the time during which the applicant had been prosecuting with due diligence in the Court of Ld. District Judge Kullu, H.P.

2. In brief, the facts of the present application are that the land of the applicant was acquired for the purpose of widening the then NH-21 (now NH-03) at Village Mohal Dawara, Tehsil and District Kullu vide No.29 dated 28.11.2016. Thereafter, the applicant being dissatisfied the aforesaid award, filed a petition under section 3G(5) before the Ld. Arbitrator (Ld. Divisional Commissioner, Mandi) and the Ld. Arbitrator rejected all the claims of the applicant of enhancement of market value of land acquired and other legal benefits vide impugned arbitral award dated 07.07.2023. It is averred that since the award passed by the Ld. Arbitrator was in conflict with public and fundamental policy and Indian law, the applicant on 19.02.2024 preferred an objection petition under section 34 of the Arbitration and Conciliation Act, 1996 before the Court of Ld. District Judge Kullu for setting aside the arbitral award as the subject matter of the arbitration was immovable property and situated within the territorial jurisdiction of learned District Judge, Kullu. It is

submitted that the Ld. District Judge, Kullu vide order dated 06.01.2025 returned the case file to the applicant. It is submitted that the applicant applied for the copy of order on 09.01.2025, which was received by him on 13.01.2025. It is submitted that the applicant had filed the objection application under section 34 of the Act of 1996 and prosecuted the same with due diligence and bonafide belief that the Ld. District Judge, Kullu has jurisdiction to entertain the present application. It is submitted that the applicant since filed and prosecuted the application before the Ld. District Judge Kullu w.e.f. 19.02.2024 till date under bonafide and with due diligence and original application was returned to the applicant on 06.01.2025, the above period be excluded from computing the limitation for filing objection application. It is prayed that application be allowed.

3. Notice of the application was given to the respondents. The respondents though put their appearance before the court but did not file any reply to the present application and the statement of Ld. Counsel for respondent No.2 to this effect is also on record.

4. I have heard Ld. Counsels for the parties and have gone through the record carefully.

5. It has been laid down by our own Hon'ble High Court in **Ishwar Singh Versus Project Director NHAI OMP(M) No. 18 of 2020 decided on 13-08-2021** that period of limitation will start running from the date of the receipt of the signed copy of the award. Section 34 (3) of the Act of 1996 provides a total period of three months for challenging the arbitral award and the Court has discretion to extend it by additional 30 days. However, the extension is only granted if the Court finds sufficient cause for such delay.

6. In the present case, the award was pronounced by the learned arbitrator on 07.07.2023 in presence of the learned counsel for the parties and as per the copy of covering letter qua issuance of the signed award passed by the Arbitrator -cum- Divisional Commissioner, Mandi, the signed copy of the award was sent to the parties vide letter Endst. No.6850-6861 dated 21.11.2023. Therefore, it can be presumed that the applicant had received the signed copy of the award within 2-3 days. In the present case, if the limitation to file is presumed to be reckoned from 24.11.2023, i.e. the date on which the signed copy of the award was received by the applicant, the objection petition was to be filed on or before 24.02.2024, however, the application was filed before the Court of District Judge Kullu on 19.02.2024, which was well within the stipulated period of limitation of three months.

7. As discussed above, initially the objection petition was filed before the Court of Ld. District Judge Kullu on 19.02.2024 and the same was prosecuted by the applicant till 06.01.2025, on which date, the Ld. District Judge Kullu ordered to return the case file with a direction to present the same before the Competent Court having territorial jurisdiction in the matter. Thereafter, on 09.01.2025, the applicant applied for the certified copy of the order dated 06.01.2025, which was delivered to him on 13.01.2025, which is clear from the endorsement made on the certified copy of the order. Therefore, the said period is required to be excluded for computing the period of limitation.

8. As per Section 14(2) of the Limitation Act in computing the period of limitation for any application, the time during which the applicant has been prosecuting with due diligence another civil proceeding, whether in a court of first instance or of appeal or revision, against the same party for the same relief shall be

excluded, where such proceeding is prosecuted in good faith in a court which, from defect of jurisdiction or other cause of a like nature, is unable to entertain it.

9. Since, the applicant has initially filed the objection petition under section 34 of the Act within a prescribed period of three months before the Court at Kullu and prosecuted the same with due diligence and after return of the case file by the Ld. District Judge, Kullu to the applicant vide order dated 06.01.2025, the applicant has immediately and without any delay, filed the present application under section 14(2) of the Application along with main objection petition before this Court on 18.01.2025, the same is liable to be allowed since the same has been refiled within 120 days. Accordingly, the present application is allowed. Application stands disposed of, which after needful be tagged with the main case file. Main case file be put up on **02.07.2026** for office to check and report.

Announced:
01.07.2026

(Paras Doger)
District Judge
Mandi District Mandi H.P.