

Bhuvneshwar Dutt v. LAO & Anr. (CMA Reg. No.199 of 2025).

01.07.2026

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

The present application has been filed by the applicant-landowner under Section 14(2) of the Limitation Act, 1963 read with section 34(3) of the Arbitration and Conciliation Act, 1996 to compute the period of limitation for the objection under section 34 of the Act of 1996 by excluding the time during which the petitioner/applicant had been prosecuting with due diligence in the Court of Ld. District Judge Kullu.

2. At the very outset, it is pertinent to mention here that in the head-note as well as in the body of the application under section 14(2) of the Limitation Act, date of award has been mentioned as 18.10.2023 and 05.10.2023. However, perusal of the copy of award attached with the application shows that the said award has been passed by the Ld. Arbitrator on 03.11.2023. Further, in the present application there is a mention of application under section 5 of the Limitation Act, which had been filed along with the main objection petition under section 34 of the Act of 1996 before Ld. District Judge Kullu. However, the said application is not available in the present case file.

3. In brief, the facts of the present application are that the applicant had initially filed the accompanying application under section 34 of the Act for setting aside the arbitral award dated 03.11.2023, before the Ld. District Judge Kullu, as the applicant is the resident of District Kullu and the land which was acquired by the NHAI is also situated in District Kullu. It is submitted that Ld. District Judge Kullu vide its order dated 09.12.2024 held that the award was passed by an arbitrator located in District Mandi and neither any sitting of the Arbitrator was held within the jurisdiction

of Kullu Court nor the parties have stipulated in the arbitration agreement that the venue or the seat of the Arbitration located within the jurisdiction of Kullu Court and thereby returned the the objection petition to the applicant for presentation before the appropriate Court having jurisdiction in the matter. It is prayed that the application be allowed and the delay in filing the application be condoned.

4. 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.

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

6. Perusal of the record shows that the objection application under section 34 of the Arbitration and Conciliation Act, 1996 challenging the arbitral award dated 03.11.2023 was initially filed before the Court of Ld. District Judge Kullu on 18.06.2024. In the objection petition, it has been averred by the applicant that after hearing the arguments, the order of the petition was reserved by the Ld. Arbitrator with the direction that the order after announcement would be sent to the petitioner through post and thereafter, the award was sent to the petitioner through post and the same was received on 11.03.2024. However, there is nothing on record to establish that the signed copy of the award was received by the applicant on 11.03.2024. The period of limitation for filing the objections to the award under Section 34 commences from the date on which the party making the application has "received" a signed copy of the arbitral award, as required by Section 31 (5) of the 1996 Act. Section 34(3) provides a specific time limit of three months from the date of "receipt" of the award, and a further period of thirty days, if the Court is satisfied that the party was prevented by sufficient cause

from making the application within the said period, but not thereafter.

7. Perusal of the arbitral award dated 03.11.2023 shows that the same had been passed in the presence of counsel of both the parties. The applicant has filed the present application under section 14(2) of the Limitation Act before this Court for computing 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. and also placed on record a certified copy of order passed by Ld. District Judge Kullu in case titled Bhuvneshwar Dutt v. LAO (No.74 of 2024) passed on 14.12.2024, which was allegedly received by the applicant on 26.12.2024.

8. First of all, the applicant has to establish on record that the petition filed before the Court of Ld. District Judge, Kullu was well within the period prescribed under Section 34(3) of the Act of 1996. Since the award was passed on 03.11.2023 and the objections were filed only on 18.06.2024, the court cannot assume that the award was received on 11.03.2024 merely on the applicant's statement. Neither any acknowledgment nor any dispatch record has been produced. In the absence of proof regarding the date of receipt of the award, it is not possible for this Court to determine whether the objections initially filed before the Court at Kullu on 18.06.2024 were within the prescribed period under Section 34(3) of the Act. Even if it is presumed that the signed copy of the award was received by the applicant on 11.03.2024, the objection petition was required to be filed on or before 11.06.2024, however, the same was filed before the Court at Kullu on 18.06.2024 i.e. after seven days from the date the expiry of prescribed period of limitation of three months. The burden to establish that the petition was instituted within limitation

rests upon the applicant, which burden has not been discharged by the applicant.

9. The Hon'ble Supreme Court in **Simplex Infrastructure Limited Versus Union of India (2019) 2 SCC 455** has observed that Section 14 of the Limitation Act does not provide for a fresh period of limitation but only provides for exclusion of a certain period. Having regard to legislative intent, S.14 of the Limitation Act, 1963 would be applicable to an application submitted under section 34 of the 1996 Act for setting aside an arbitral award.

10. As already discussed above, the applicant had already consumed 3 months and 7 days out of total 120 days in filing the petition before the Ld. District Judge Kullu and only 23 days were left with him. Perusal of the record shows that copy of order dated 14.12.2024 passed by the Ld. District Judge Kullu was applied by the applicant on 23.12.2024 and the same was received by the applicant on 26.12.2024. Therefore, the said period of 9 days is also required to be excluded from the total limitation period of 120 days and after 23.12.2024, there were only 14 days left with the applicant out of 120 days and the objection petition was to be filed on or before 06.01.2024 and the present application has been filed before this Court on 18.01.2026, which is much beyond the period of 120 days. Hence, the present application deserves to be dismissed, which is accordingly dismissed. The application after due completion be consigned to records.

Announced and signed in the open Court today on this 1st day of July, 2026.

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