

09.03.2026

Called out. Present learned counsel for the parties. Heard on application 3Ga and objection 21Ga.

Application 3Ga has been moved for condonation of delay in preferring petition u/S 34 of Arbitration Conciliation Act, 1996 on the ground that the applicants were not made aware of award dated 21.06.2021, passed by Arbitrator/Additional Commissioner, Kanpur Division, Kanpur Nagar. Their counsel also did not inform them about the outcome of the arbitration proceedings. The applicants came to know through rumours in village that some order has been passed. Thereafter, the applicants visited office of the arbitrator on 10.09.2025 and came to know that the award has been passed on 21.06.2021. When they demanded signed copy of the award then they were told that there is no provision for signed copy, and for that application for copy had to be moved. The applicants' counsel moved application for copy on 10.09.2025, and the same was prepared on the same day and was received on 10.09.2025. The applicants' counsel advised on 12.02.2025 that the proceeding against award would be filed in the Court of District Judge, Etawah. Thereafter, the applicants contacted their present advocate and filed the petition on 10.10.2025.

Learned counsel for the opposite parties submitted that the arbitrator passed the award after hearing both the parties, but the applicants did not take any action for three and half years. Their knowledge of award from alleged rumours in village is wrong, and being Administrative Officer arbitrator only issues certified copies. The applicants were having full knowledge of the award, but they did not prefer any petition u/S 34 within time, and therefore, the application be rejected.

In considered opinion of this Court, the applicants are residents of village Kursaina, Tehsil Jaswantnagar, District Etawah, while the arbitrator was conducting proceedings at Kanpur Nagar. It was not possible for the applicants, who are villagers to attend each and every date before the arbitrator and their counsel appeared on their behalf. Section 31(5) of the Arbitration and Conciliation Act makes obligatory on the part of the arbitrator to supply a signed copy of the award to parties after passing of the award. However, no such copy was issued till date. Hence, the applicants could not be made aware about passing of the award. When they gained knowledge of the award they applied for certified copies on 10.09.2025 and therefore, the limitation will start from 10.09.2025. From that date the petition is within time. Hence, application 3Ga deserves to be allowed.

Order

Application 3Ga is allowed, petition is deemed within time. Put up after some time for hearing on admission.

District Judge,
Etawah.