

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA****Arb. Appeal No.238 /2025****Date of Decision: 28th November, 2025.**

NHAI

.....Appellant.

Versus

Sunder Nagar Integrated Rural Development Association.

.....Respondent.

*Coram****The Hon'ble Mr. Justice Bipin Chander Negi, Judge.******Whether approved for reporting?¹***

For the Appellant: Ms. Shreya Chauhan, Advocate.

For the Respondent: Mr. Rakshit Sharma, Advocate
(through VC) with Mr. Neeraj Kumar,
Advocate.

Bipin Chander Negi, Judge (oral).

By way of the present appeal filed under Section 37 of the Arbitration and Conciliation Act, a challenge has been laid to the judgment dated 01.08.2024, whereby an application filed under Section 34 of the Arbitration and Conciliation Act, 1996 (for short 'the Act') along with an application under Section 5 of the limitation Act seeking condonation of delay in filing the application under Section 34 of the Act against the Arbitration Award dated 25.02.2023 has been dismissed.

2. Heard counsel for the parties and perused the pleadings.



3. The award in the case at hand was passed on 25.02.2023. The same was passed in the presence of counsels for both the parties. In the aforesaid backdrop, the period of three months would have expired on 14.06.2023 and 30 days thereafter expired on 13.07.2023. The application filed under Section 34 was filed on 08.04.2024 along with an application seeking condonation of delay.

4. Hence, an application under Section 5 of the Limitation Act, along with objections Under Section 34 of the Arbitration and Conciliation Act, 1996 was filed on 08.04.2024 beyond 120 days.

5. It is well settled that Section 5 of the Limitation Act has no application to an application challenging an arbitral award under Section 34 of the Act. Under Section 34(3) of the Act, an application for setting aside the award on the grounds mentioned in Section 34(2) of the Act can be made within three months and the period can only be extended for a further period of thirty days on showing sufficient cause and not thereafter. The use of the words “but not thereafter” in the proviso to Section 34 makes it clear that extension cannot be beyond thirty days., In this respect reference can be made to the authoritative



pronouncement of the Apex Court in case titled ***Simplex Infrastructure Limited Versus Union of India, reported in (2019) 2 SCC 455.***

6. In the aforesaid backdrop, delay in filing the application under Section 34 of the Act before the District Judge Mandi, Mandi Division, HP, was rightly rejected on 01.08.2024.

7. In the aforesaid facts and attending circumstances, there is no merit in the present appeal, therefore, the same is accordingly dismissed along with pending miscellaneous application(s), if any.

(Bipin Chander Negi)
Judge

28th November, 2025
(Gaurav Rawat)