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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO-2261-2021

Date of Decision: 28.04.2025

SATBIR AND ANOTHER

..... APPELLANTS

VERSUS

INDIAN RAILWAYS THROUGH CPM/DEDICATED FREIGHT
CORRIDOR AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Rajender Sorout, Advocate for
Mr. Devender Kumar, Advocate
for the appellants.

Mr. Vivek Singla, Advocate
for respondents no. 1 to 3.

TRIBHUVAN DAHIYA, J. (ORAL)

The appeal has been filed for setting aside the order passed by the District Judge dated 13.12.2019, whereby objections filed by the appellant under Section 34 of the Arbitration and Conciliation Act, 1996 have been dismissed being beyond the prescribed period of limitation.

2. It is relevant to refer to the following paragraphs of the award:

18. Its perusal shows that the application for the copy of the award was submitted on 25.01.2017, which falsifies the claim of the applicants that they came to know in April 2017 about passing of the Award. The copy was prepared on 14.02.2017 and it was received on 16.02.2017. However, the present



objections have been filed on 28.07.2017, that is after 183 days of moving the application for copy of the award. Thus, under these circumstances, it was the duty of the applicants to file the objection petition u/s 34 (3) of the Act within 120 days of receipt of the copy of award.

19. In this case, copy of award was received by 16.02.2017. Thus, the applicants ought to have filed the objection petition firstly within 90 days from 16.02.2017. Thereafter within 30 days, believing the sufficiency of ground to grant the said grace period, only then the court could have entertained the objection petition. In this case, there is delay of 43 days for filing present objections by the applicants.

20. Keeping in view the law laid down by Hon'ble Supreme Court of India in **National Highways Authority of India vs Subhash Bindlish and others (supra)**, this court cannot extend the period of limitation on the ground of equity. The provisions of section 5 of the Indian Limitation Act 1963 cannot be applied to the present proceedings.

21. Accordingly, the present application under consideration for condonation of delay in filing the objection petition is dismissed. Resultantly, the objection petition filed by the applicants also stands dismissed being time barred. File be consigned to record room after due compliance.

3. Learned counsel for the appellant is not in a position to dispute the facts recorded in the impugned order.

4. It is a settled proposition of law as laid down by the Supreme Court in *M/s Consolidated Engg. Enterprises v. Principal Secy. Irrigation Department and others*, (2008) 7 SCC 169, that period of limitation prescribed under a special law cannot be extended by invoking provisions of the limitation. In the instant case, it remains undisputed that the appellant filed objections against the arbitral award beyond the maximum prescribed



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period of limitation, which rendered it not maintainable.

5. Accordingly, no exception can be taken to the impugned order and the appeal stands dismissed.

28.04.2025

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(TRIBHUVAN DAHIYA)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*