



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CARAP(M) No. 15 of 2025

Order reserved on:19.03.2026

Decided on: 24.03.2026

Chief Engineer, HP PWD National Highway Division, Shimla, H.P.

.....Objector/petitioner/applicant.

Vs.

M/s Ceigall India Limited, A-898 Tagore Nagar, Ludhiana, Punjab-141001
through its authorized signatory Shri Sanchit Asthana.

.....Respondent/non-applicant.

Coram

The Hon'ble Mr. Justice Ajay Mohan Goel, Judge.

Whether approved for reporting?¹ Yes.

For the objector/petitioner/applicant: Mr. Vaibhav Kanwar, Advocate.

For the respondent/non-applicant: M/s Meenal Garg and Sative Chauhan, Advocates.

Ajay Mohan Goel, Judge (Oral):

ORDER

By way of this application filed under Section 34(3) of the Arbitration and Conciliation Act, a prayer has been made for the extension of the period of limitation for filing the Objection Petition under Section 34 of the Arbitration and Conciliation Act.

¹ *Whether reporters of the local papers may be allowed to see the judgment?*

2. Brief facts necessary for the adjudication of this application are that the applicant/objector has preferred objections under Section 34 of the Arbitration and Conciliation Act against the Award dated 04.07.2025, passed by the learned Arbitral Tribunal. According to the applicant, after passing of the Award, though the learned Tribunal was required to supply a signed copy thereof to the objector, however, a Xerox copy of the Award was sent through the registered post, which was received by the applicant/objector on 15.07.2025. The matter was examined and a decision was taken to assail the award. However, as the signed copy thereof had not been supplied by the learned Arbitral Tribunal, therefore, the applicant applied to the learned Tribunal vide communication dated 19.09.2025 for supply of a signed copy of the Award. Thereafter, a copy thereof, which was attested to be a true copy was sent to the applicant/objector through a registered post on 24.09.2025 and the same was received by the applicant/objector on 01.10.2025. Thereafter, as per the applicant, the matter was discussed at multiple levels in the administrative hierarchy and was referred to the District Attorney, Hamirpur as well as Principal Secretary (Law) to the Government of Himachal Pradesh and after appropriate opinions were received, which consumed time, the Objections were filed. It is further the contention of applicant that as there is a delay in filing the Objections, which could not

be filed within three months as from the date of the receipt of the Award at the first instance, i.e., 15.07.2025, limitation be extended by 16 days, which is permissible in law.

3. Learned counsel for the applicant argued that the reasons spelled out in the application demonstrate that initially only a Xerox copy of the Award was received, whereas a signed copy of the Award, which has been stated to be an attested to be true copy of the award was received only on 01.10.2025. Learned counsel submitted that the Objections which were filed on 31st October, 2025, are within three months from said date, but construed from 15.07.2025, i.e., the date when the Xerox copy of the Award was received, there is a delay beyond three months of 16 days, which is *bonafide* and the same be condoned in the interest of justice.

4. On the other hand, the application is opposed by the non-applicant/respondent. Learned counsel for the non-applicant, by placing reliance on the reply, has argued that in terms of the law declared by the Hon'ble Supreme Court as well as the Hon'ble Co-ordinate Bench of this Court, as delay beyond three months has not been satisfactorily explained by the applicant, the application is liable to be dismissed. Learned counsel argued that the applicant has no vested right of getting an extension beyond three months and the same can only be granted if a

party is able to demonstrate that delay beyond three months is not due to its acts of omission. Learned counsel argued that herein the reasons which have been given in the application demonstrate that delay in filing the objections was because of the alleged examination of the case at multiple administrative levels and this, according to learned counsel for the applicant, is no reason for condonation of 16 days delay. Learned counsel submitted that in terms of the law settled by the Hon'ble Supreme Court as also the Hon'ble Co-ordinate Bench of this Court, in case of delay beyond three months, each and every day's delay has to be explained by the applicant and herein, as the applicant has failed to do so, therefore, the application is liable to be dismissed. Learned counsel for the non-applicant also argued that there was no bar in filing the objections on the strength of a Xerox copy only and, therefore, the contention that time was consumed for obtaining signed copy of the Award cannot come to the rescue of the applicant.

5. I have heard learned counsel for the parties and have also carefully gone through the contents of the application as well as the reply filed thereto.

6. The facts enumerated hereinabove are not much in dispute. It is a matter of record that initially what was provided to the applicant by the learned Arbitral Tribunal, was a photo copy of the Award,

which was received by the applicant on 15.07.2025. It is also a matter of record that thereafter, the applicant applied for a signed copy thereof vide letter dated 19.09.2025 and an attested copy of the Award was made available to the applicant by the learned Tribunal on 01.10.2025; and thereafter, Objections were filed on 31st October, 2025.

7. Before proceeding further, I would refer to the judgment relied upon by learned counsel for the respondent.

8. In *Simplex Infrastructure Limited Vs. Union of India*, (2019) 2 Supreme Court Cases 455, Hon'ble Supreme Court of India was dealing with a matter, wherein, a petition filed under Section 34 of the Arbitration and Conciliation Act, 1996, challenging arbitral Award dated 27.10.2014 was filed before the High Court of Calcutta alongwith an application for condonation of delay of 514 days. Leaned Single Judge of the High Court of Calcutta allowed the application for condonation of delay and the other party approached the Hon'ble Supreme Court. In the said judgment, Hon'ble Supreme Court of India has, *inter alia*, held that the position of law is well settled with respect to the applicability of Section 14 of the Limitation Act to an application filed under Section 34 of the 1996 Act and that a plain reading of Sub-section (3) alongwith the proviso to Section 34 of the 1996 Act, shows that the application for setting aside the award on the grounds mentioned in Sub-section (2) of Section could 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. Hon'ble Supreme Court held that the use of words "but not thereafter", in the proviso makes it clear that the extension cannot be beyond thirty days. Hon'ble Supreme Court thus held that the learned Single Judge of the High Court was not justified in condoning the delay of 514 days in filing the application.

9. Hon'ble Co-ordinate Bench of this Court in *Himachal Pradesh State Electricity Board Limited Vs. HCL Infotech Limited*, OMP(M) No. 55 of 2024 in CARBC No. 13 of 2025, decided on 10.10.2025, by relying upon the judgment of the Hon'ble Supreme Court referred to therein has held that the expression '*sufficient cause*' is not elastic enough to cover long delays beyond the period provided in the appeal provision itself. The expression '*sufficient cause*' is not itself a loose panacea for the ill of pressing negligent and stale claims, rather '*sufficient cause*' would mean that the party should not have acted in a negligent manner or there was a want of *bonafide* on its part in view of facts and circumstances of the case or it cannot be alleged that the party has not acted diligently or remained inactive. Hon'ble Co-ordinate Bench, by relying upon the judgments of the Hon'ble Supreme Court referred to therein, further observed that a different yardstick for condonation of delay cannot be

adopted merely because the Government is involved. Thereafter, by referring to the facts of the case, Hon'ble Co-ordinate Bench concluded that the applicant/objector therein had not been able to furnish any cause much less '*sufficient cause*' for condoning the delay in filing the objections against the award beyond the prescribed period of three months and it rejected the application filed by the applicant therein to condone the delay beyond three months.

10. In the present case, in terms of the averments made in the application, after the learned Arbitral Tribunal announced the award, it provided a photocopy of the award to the applicant on 15.07.2025. Thus, a signed copy of the award was not provided to the applicant by the learned Arbitral Tribunal.

11. It is also a matter of record that thereafter, the applicant applied for a signed copy of the award vide letter dated 19.09.2025 and an attested copy of the award was made available to the applicant by the learned Arbitral Tribunal on 01.10.2025.

12. This Court is of the considered view that the learned Arbitral Tribunal should have ensured that a signed copy of the Award was provided to the applicant, which it failed to do, therefore, in the peculiar facts of this case, as the attested copy of the Award was made available to the applicant by the learned Arbitral Tribunal on 01.10.2025 and thereafter,

the objections were filed on 31.10.2025, this extremely important aspect of the matter cannot be lost sight of. In these peculiar circumstances, because as from the date of the receipt of unsigned copy of the Award, the petition has been filed, though beyond three months, but within 16 days thereafter and as from the date of the receipt of the attested copy of the Award by the applicant, the objections have been filed within three months, it would be in the interest of justice in case this application is allowed by granting the applicant extension of period, as prayed for in the application. Herein, in the peculiar facts of this case, it cannot be said that the filing of the objections by the applicant beyond three months is completely attributable to the negligence on the part of the applicant. The applicant communicated with the learned Arbitral Tribunal to provide it a signed copy before three months as from the date of the receipt of the unsigned copy of the Award. This Court again reiterates that the learned Tribunal should have been cautious enough to have had provided a signed copy of the Award to the parties, including the applicant and thus, in these circumstances, interest of justice demands that the extension of time be granted in favour of the applicant, so that it can agitate the matter on merit. The judgments relied upon by learned counsel for the non-applicant, thus, do not further the cause of the non-applicant in the peculiar facts of this case.

13. Accordingly, this application is allowed, as prayed for. Extension is granted to the applicant to file the objections beyond the period of three months as from the date of receipt of the unsigned copy of the Award, subject to payment of cost of Rs.50,000/-, to be paid by the applicant to the non-applicant within six weeks.

Application stands disposed of.

(Ajay Mohan Goel)
Judge

March 24, 2026
(bhupender)

High Court