



Limitation Act, Section 5 - A bar of limitation may be considered even if such plea has not been specifically raised.

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[1992 PLRonline 0002](#)

Also see;

[Sealand Shipping & Export Pvt. Ltd. v. Kin-ship Services \(India\) Pvt. Ltd.](#), 2011(5) Bom. C.R. 572, the Supreme Court has held that even if the plea of limitation is not specifically raised in the arbitration petition, the court is bound to consider such plea while considering a petition under Section 34 of the Act and there cannot be any waiver on the issue of limitation. The decisions rendered in the case of Binod Bihari Singh vs. Union of India , [1992 PLRonline 0002](#) (supra) was subsequently followed by the Supreme Court in the case of [Oil and Natural Gas Corporation Ltd. vs. Essar Oil Limited](#) (supra). So, it is clear that if the plea of limitation is not raised by a party in the arbitration petition or in the [written statement](#), even then plea of limitation can be considered by the court while deciding a petition under Section 34 of the Act.

Tags: [limitation act S. 5](#)