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C.R.P. No. 4236 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2026

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.R.P. No. 4236 of 2025

&

C.M.P. No. 21792 of 2025

The Managing Partner,
M/s. KLM Pack,
B-45, PIPDIC Industrial Estate,
Mettupalayam,
Puducherry – 605 009.

..Petitioner

Vs.

1. M/s. Karnataka Soaps and Detergents
Limited,
(A Government of Karnataka
Undertaking),
Bengaluru – 560 055
rep. by its Branch Manager,
M/s. Karnataka Soaps and Detergents
Limited,
Chennai – 600 040.

2. The Chairman,
Micro & Small Enterprises Facilitation
Council,
Puducherry.

..Respondents



C.R.P. No. 4236 of 2025

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Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India as against the order dated 20.06.2025 passed by the learned Principal District Judge, Puducherry in I.A. No. 1 of 2025 in Arb.O.P. No. 41 of 2025.

For Petitioner	::	Mr.B. Dhanaraj
For Respondents	::	Mr.C. Samivel for R1 Mr.V. Vasanthakumar, Addl. Govt. Pleader for R2

ORDER

This civil revision petition has been filed challenging the impugned order dated 20.06.2025 passed in I.A. No. 1 of 2025 in unnumbered Arbitration Original Petition, subsequently numbered as Arbitration O.P. No. 41 of 2025 on the file of Principal District Court, Puducherry.

2. By the impugned order dated 20.06.2025, the application filed by the 1st respondent herein in I.A. No 1 of 2025 seeking to condone the delay of 8 days in filing the application to set aside the arbitral

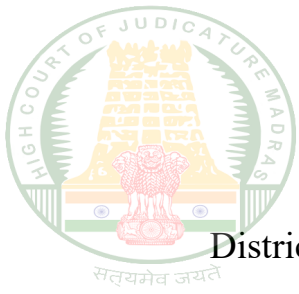


C.R.P. No. 4236 of 2025

award passed in favour of the petitioner against the 1st respondent has been allowed by the Principal District Court at Puducherry.

3. The petitioner has challenged the impugned order on the ground that by total non-application of mind, the impugned order has been passed in contravention of Section 34(3) of The Arbitration and Conciliation Act, 1996 (hereinafter 'the Act' in short). The petitioner contends that the 1st respondent herein has wrongly stated in I.A. No. 1 of 2025 that the delay in filing the application seeking to set aside the arbitral award is only 8 days, though the correct fact is that the delay is beyond the statutory period as prescribed under Section 34(3) of the Act, which provides that the maximum period available for a party to challenge the arbitral award is only 120 days, i.e., 90 days without a condone delay petition and an extra period of 30 days with a condone delay petition.

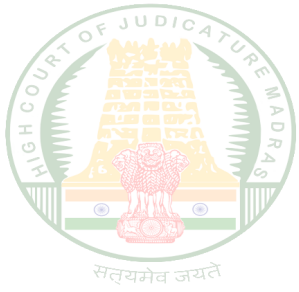
4. Learned counsel for the petitioner has filed the list of dates and events before this Court giving the date of filing of the petition under Section 34 of the Act seeking to challenge the arbitral award passed in favour of the petitioner against the 1st respondent herein before the II Additional City Civil and Sessions Court, Bengaluru as well as the Principal



C.R.P. No. 4236 of 2025

District Court, Puducherry. The said dates and events filed by the learned counsel for the petitioner is not disputed by the learned counsel for the 1st respondent.

5. As seen from the dates and events, which are not disputed, the arbitral award was passed in favour of the petitioner against the 1st respondent herein on 28.03.2017; it was received by the 1st respondent on 20.07.2017; the 1st respondent filed A.S. No. 135 of 2017 before the II Additional City Civil and Sessions Court at Bengaluru on 13.10.2017 seeking to challenge the arbitral award dated 28.03.2017 passed in favour of the petitioner against the 1st respondent under the Micro, Small and Medium Enterprises Development Act. As seen from the same, the 1st respondent had exhausted 84 days from the date of the receipt of the arbitral award dated 28.03.2017 for filing A.S. No. 135 of 2017 before the II Additional City Civil and Sessions Court at Bengaluru challenging the said arbitral award. On account of lack of jurisdiction by the Court at Bengaluru, the said Court returned the appeal filed by the 1st respondent by order dated 09.08.2024, granting liberty to the 1st respondent to present the appeal before the appropriate Court having jurisdiction.



C.R.P. No. 4236 of 2025

6. The order dated 09.08.2024 passed by the II Additional

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City Civil and Sessions Court, Bengaluru in A.S. No. 135 of 2017 was received by the 1st respondent on 29.08.2024. Thereafter, the 1st respondent presented the petition on 10.01.2025 before the Principal District Court at Puducherry, which is the competent Court having jurisdiction to decide the petition filed by the 1st respondent under Section 34 of the Act. The 1st respondent had exhausted another 133 days (i.e. from 29.08.2024 to 10.01.2025) from the date of receipt of the certified copy of the order in A.S. No. 135 of 2017 passed by the II Additional City Civil and Sessions Court, Bengaluru, for re-presentation of the petition filed under Section 34 of the Act before the Principal District Court, Puducherry. Therefore, even after excluding the time spent by the 1st respondent herein before the II Additional City Civil and Sessions Court, Bengaluru, in pursuing A.S. No. 135 of 2017, the 1st respondent herein had exhausted 84 days in filing the appeal before the II Additional City Civil and Sessions Court at Bengaluru and another period of 133 days for re-presenting the case before the Principal District Court at Puducherry, in all, totally 217 days for filing the O.P. under Section 34 of the Act.



C.R.P. No. 4236 of 2025

7. The law is now well-settled by various decisions

rendered by the Honourable Apex Court which includes the decision rendered in *Simplex Infrastructure Limited V. Union of India* reported in (2019) 2 SCC 455, which has been relied upon by the learned counsel for the petitioner, wherein it has been held that the Court exercising power under Section 34 of the Act cannot condone delay beyond a maximum period of 120 days. Even after applying Section 14 of the Limitation Act, 1963, for excluding the period during which the 1st respondent had approached the Court at Bengaluru, which does not have jurisdiction, by filing A.S. No. 135 of 2017, there still remains a delay of 217 days on the part of the 1st respondent in filing the petition under Section 34 of the Act for challenging the arbitral award dated 28.03.2017 passed in favour of the petitioner against the 1st respondent.

8. As seen from the list of dates and events submitted by the learned counsel for the petitioner, which has also not been disputed by the learned counsel for the 1st respondent, it is an undisputed fact that there is a delay of 217 days on the part of the 1st respondent in filing an application under Section 34 of the Act. But, erroneously, by total non-application of



C.R.P. No. 4236 of 2025

mind, the 1st respondent has incorrectly stated that there is a delay of only 8 days in filing the application under Section 34 of the Act.

9. Section 34(3) of the Act stipulates that beyond the maximum period of 120 days (i.e., 90 days in the normal course and 30 days with a condone delay petition), an application under Section 34 of the Act cannot be entertained.

10. For the foregoing reasons, this Court is of the considered view that the Court below ought not to have entertained I.A. No. 1 of 2025 in Unnumbered Arbitration Original Petition subsequently numbered as Arb.O.P. No. 41 of 2025 since the application seeking to condone the delay in filing the application under Section 34 of the Act was filed beyond the maximum period of 120 days stipulated under Section 34(3) of the Act. However, in I.A. No. 1 of 2025, the 1st respondent herein has erroneously stated that the delay was only 8 days, which is absolutely incorrect as the delay is 217 days and not 8 days as claimed by the 1st respondent herein in I.A. No. 1 of 2025.

11. The Principal District Court, Puducherry, by total non-application of mind to the said fact, has entertained I.A. No. 1 of 2025.



C.R.P. No. 4236 of 2025

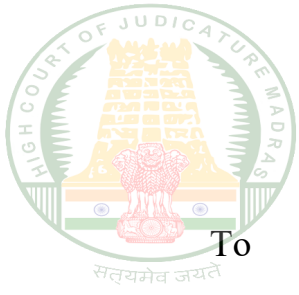
Necessarily, this Court will have to set aside the order dated 20.06.2025 passed in I.A. No. 1 of 2025 in Unnumbered Arbitration Original Petition subsequently numbered as Arb.O.P. No. 41 of 2025 and also have to dismiss Arb.O.P. No. 41 of 2025 pending before the Principal District Court, Puducherry, by exercising its power under Article 227 of the Constitution of India. Even though the power of the High Courts under Article 227 of the Constitution of India has to be exercised sparingly, the matter on hand is a fit case for exercising the said power since a glaring error has been committed by the Principal District Court, Puducherry in allowing I.A. No. 1 of 2025 in Unnumbered Arbitration Original Petition subsequently numbered as Arb.O.P. No. 41 of 2025.

12. Accordingly, the civil revision petition is allowed by setting aside the impugned order dated 20.06.2025 passed in I.A. No. 1 of 2025 in Unnumbered Arbitration Original Petition subsequently numbered as Arb.O.P. No. 41 of 2025 and by dismissing Arb.O.P. No. 41 of 2025 pending on the file of Principal District Court, Puducherry, on the ground of limitation. No costs. Connected C.M.P. is closed.

21.07.2026

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C.R.P. No. 4236 of 2025

To

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The Principal District Court,
Puducherry.



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C.R.P. No. 4236 of 2025

ABDUL QUDDHOSE,J.

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C.R.P. No. 4236 of 2025

21.07.2026

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