

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: May 06, 2015

+ O.M.P. 292/2015 & IAs 9560-62/2015

PUNJAB SMALL INDUSTRIES AND EXPORT
CORPORATION

..... Petitioner
Through: Mr. Raktim Gogoi, Advocate

versus

STEEL AUTHORITY OF INDIA LIMITED

..... Respondent
Through: Mr. Counsel
(Appearance not given)

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **06.05.2015**

I.A No. 9560/2015

Exemption allowed, subject to all just exceptions.

Application stands disposed of accordingly.

O.M.P. 292/2015 & IAs 9561-62/2015 (condonation of delay)

1. The challenge in the present petition is to the award dated May 6, 2014 passed by Ld. Sole Arbitrator, whereby he has decided issue nos. 2 to 4 in favour of the respondent herein. The petition is accompanied by two applications, I.A No. 9561 of 2015 seeking

condonation of 232 days delay in filing the petition challenging the impugned order dated May 6, 2014 and I.A No. 9562 of 2015 seeking condonation of 10 days delay in re-filing the petition.

2. Insofar as I.A No. 9562 of 2015 is concerned, for the reasons stated in the petition, the delay of 10 days in re-filing the petition is condoned.

3. In so far as I.A No. 9561 of 2015 is concerned, I note that the petition is filed beyond a period of three months and also thirty days prescribed under Section 34 (3) of the Arbitration & Conciliation Act. Suffice to state, it is a settled position of law in view of the judgment of Hon'ble Supreme Court of India in the case of ***Union of India Vs. Popular Construction 2001 Supp (3) SCR 619*** and subsequent judgments reported as ***Consolidated Engineering Enterprise Vs. Principal Secretary, Irrigation Department & ors 2008 (7) SCC 169, Chattisgarh State Electricity Board Vs. Central Electricity Regulatory Commission 2010 (5) SCC 23*** and ***Assam Urban Water Supply & Sewerage Board Vs. Subhash Projects & Marketing Ltd 2012 (2) SCC 624*** wherein it is inter alia held that recourse to the Court can be made only by an application filed within three months from the date of receipt of the award and the Court on sufficient and adequate reasons may condone the delay of

30 days thereafter in filing the petition and not thereafter. In view of this position of law, IA 9561/2015 and OMP 292/2015 are dismissed, as not maintainable.

V. KAMESWAR RAO, J

MAY 06, 2015/ak