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

+ **FAO(OS) (COMM) 28/2016**

AIRPORTS AUTHORITY OF INDIA & ORS Appellant

Represented by: **Mr.Digvijay Rai, Adv.**

versus

M/S CYVAS - AVANTIKA (JV)

..... Respondent

Represented by: **Mr.Anil Sapra, Mr.Somesh
Chandra Jha, Mr.Shrehan
Siddharth, Adv.**

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

09.05.2016

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CM 16968/2016

Exemption allowed subject to just exceptions.

CAVEAT 380/2016

Learned counsel as above appears for the respondent/caveator and hence caveat is discharged.

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1. Howsoever good may be the sufficient cause projected in not preferring objections to an award within the period of limitation, in view of the law declared by the Supreme Court in the decision reported as (2001) 8 SCC 470 UOI Vs. Popular Construction Co., since Section 5 of the Limitation Act, 1963 does not apply to the Arbitration and Conciliation Act 1996 in view of it being held to be a special provision, no Court can

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condone delay in preferring objections to an award beyond 30 days of period prescribed within which objections can be filed.

2. In the instant case the date of receipt of the award dated July 13, 2015 by the appellant is admittedly July 17, 2015. Three months period within which the award could be filed would come to an end on October 17, 2015. 30 further days would take the appellant to November 16, 2015. Beyond that delay, howsoever good is the cause shown, cannot be condoned.

3. This is the signature tune of the impugned order with which we are constrained to concur in view of the law laid down by the Supreme Court in Popular Construction Co. case (supra).

4. The appeal is dismissed without any order as to cost.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

MAY 09, 2016

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