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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ O.M.P. 20/2016, IAs 6525/2016 & 6526/2016  
STEEL AUTHORITY OF INDIA LIMITED ..... Petitioner  
Through: Mr. Shaiwal Srivastava, Adv.  
versus

M/S EVEREST ROLLING INDUSTRIES ..... Respondent  
Through:

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

**ORDER**  
**23.05.2016**

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**IA 6526/2016**

1. This is a petition under Section 34 of the Arbitration & Conciliation Act, 1996 filed by the petitioner challenging the arbitral award dated October 20, 2014.
2. It is stated by learned counsel for the petitioner that copy of the Award was received by the petitioner on November 3, 2014. Initially, a petition under Section 34 of the Act was filed on January 31, 2015 before this Court being OMP 198/2015. According to him, the limitation of three months and 30 days thereafter had expired on March 3, 2015.
3. He states, that the said petition OMP 198/2015 was withdrawn on March 17, 2016, the Arbitration being International Commercial Arbitration, the petition would not be maintainable in a Commercial Division. He states,

that after withdrawal, the petition was filed on April 12, 2016. He concedes to the fact on withdrawal on 17<sup>th</sup> March, 2016, the petition should have been filed either on the same day or the next day i.e 18<sup>th</sup> March, 2016. He also concedes to the fact that the benefit of Section 14 of the Limitation Act, pursuing a remedy before a wrong forum would not be available for the period after March 17/18, 2016.

4. Noting the position of law of the Supreme Court in the case reported as *(2001) 8 SCC 470 Union of India vs. Popular Construction*, the petition being beyond the period of three months and 30 days, the petition, per-se is not maintainable. The application filed by the petitioner seeking condonation of delay is rejected. Consequently, the petition under Section 34 as well as the application under Section 36(3) of the Arbitration & Conciliation Act, 1996 for stay of the impugned Award dated October 20, 2014 are also dismissed.

**V. KAMESWAR RAO, J**

**MAY 23, 2016/ak**