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

+ O.M.P. (COMM) 528/2016

OFFICIAL LIQUIDATOR M/S. SAINATH
ENTERPRISES

..... Petitioner

Through: Mr Neela Gokhale, proxy advocate
for OL.

versus

UNION OF INDIA

..... Respondent

Through: Mr Jaswinder Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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28.11.2016

IA No. 14664/2016

1. Allowed, subject to all just exceptions.

IA Nos.14665-14666/2016

2. IA No.14665/2016 is an application filed by the petitioner seeking condonation of delay of 573 days in filing the present petition. IA No.14666/2016 is an application filed by the petitioner for seeking condonation of delay of 197 days in re-filing the present petition.

3. The above captioned petition has been filed under Section 34 of the Arbitration and Conciliation Act, 1996 impugning an arbitral award dated 30.04.2015. The application for condonation of delay indicates that the petitioner was served with the copy of the Award in May, 2015. The only reason provided in the application for the delay in challenging the award dated 30.04.2015 is the pressure of work in the office of the Liquidator.

4. The time period for filing the petition under Section 34(3) is not flexible and, therefore, this Court does not have the jurisdiction to condone the delay in filing the petition beyond the period as specified under Section 34(3) of the Act. Furthermore, this Court also does not find any merit in the application. Pressure of work in the liquidator's office is clearly no reason for condoning the delay.

5. The applications are, accordingly, dismissed. Consequently, the petition is also dismissed.

VIBHU BAKHRU, J

NOVEMBER 28, 2016
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