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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P. 354/2015

**LABH CONSTRUCTION AND INDUSTRIES
LIMITED**

..... Petitioner

Through: Mr. Nikhil Goel with Mr. Ashutosh
Ghade, Advocates.

versus

**CENTRAL GOVERNMENT EMPLOYEES WELFARE
HOUSING ORGANISATION**

..... Respondent

Through: Mr. D. Moitra, Advocate.

CORAM: JUSTICE S. MURALIDHAR

ORDER

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21.10.2016

IA No. 2221/2016 (for delay)

1. This is an application filed by the Petitioner seeking condonation of delay of 19 days in filing the petition under Section 34 of the Arbitration and Conciliation Act, 1996 ('Act') against the impugned award dated 14th November 2012

2. Initially the petition under Section 34 of the Act was filed in the City Civil Court at Ahmedabad. In the meanwhile the Respondent had filed OMP No. 278 of 2013 in this Court and an objection has been raised by the Petitioner herein in that petition on the ground that this Court does not have jurisdiction to entertain the petition.

3. By an order dated 23rd February 2015 passed in OMP No. 278 of 2013, the said preliminary objection as to territorial jurisdiction raised by the Petitioner herein was rejected by the Court. The Court categorically held that the Courts in Delhi would have jurisdiction to entertain the petition. In the same order, the Court noted the submissions made by the present Petitioner that it will file an application in the concerned court in Ahmedabad seeking to withdrawn that petition with liberty to file such application before this Court “in accordance with law.” The Court then observed in para 10 of the order, which reads as under:

“10. Liberty is granted to the Respondent to withdraw the petition filed by it in the court of Ahmedabad under Section 34 of the Act and file an appropriate petition in this Court in accordance with law.”

4. It is clear that the Court had not specified any time limit within which the Petitioner was to file its application. That however did not mean that the Petitioner could take its own time to file the present petition. The Petitioner should have acted promptly on the above order. Instead the Petitioner has chosen to wait for more than three months to file the present petition on 30th May 2015, which is well beyond the period of three months after the said order. There is no satisfactory explanation in the application for the delay in filing the present petition. The application is accordingly dismissed.

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5. Consequently, the petition is dismissed.

S. MURALIDHAR, J

OCTOBER 21, 2016/Rm