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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) (COMM) 106/2016**
U.P. TECHNICAL EDUCATION DEPARTMENT

..... Appellant
Represented by : Mr.Anil Mittal and Ms.Komal
Aggarwal, Advs.

versus

M/S RITES & ANR

..... Respondent
Represented by : Mr.Udit Seth, Adv. for R-1
+ **FAO(OS) (COMM) 107/2016**
U P TECHNICAL EDUCATION DEPARTMENT

..... Appellant
Represented by : Mr.Anil Mittal and Ms.Komal
Aggarwal, Advs.

versus

M/S RITES & ANR

..... Respondent
Represented by : Mr.Udit Seth, Adv. for R-1
+ **FAO(OS) (COMM) 108/2016**
U P TECHNICAL EDUCATION DEPARTMENT

..... Appellant
Represented by : Mr.Anil Mittal and Ms.Komal
Aggarwal, Advs.

versus

M/S RITES & AMR

..... Respondent
Represented by : Mr.Udit Seth, Adv. for R-1

FAO(OS) (COMM) 106/2016 & conn.

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CORAM:
HON'BLE MR. JUSTICE PRADEEP NANDRAJOG
HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER
08.11.2016

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CM No.41076 in FAO(OS) (COMM) 106/2016
CM No.41482 FAO(OS) (COMM) 107/2016
CM No.41589 FAO(OS) (COMM) 108/2016

Exemption is allowed subject to all just exceptions.

FAO(OS) (COMM) 106/2016
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FAO(OS) (COMM) 108/2016

1. Three awards, each dated February 20, 2015, were challenged by the appellants under Section 34 of the Arbitration and Conciliation Act, 1996. There was a delay of 333 days in laying a challenge to the three awards and thus an application under Section 34(3) read with Section 151 of the Code of Civil Procedure was filed in each petition praying that 333 days in laying a challenge to the three awards be condoned.
2. In view of the authoritative pronouncement of the Supreme Court in the decision reported as AIR 2001 SC 4010 Union of India v. M/s Popular Construction Company, the learned Single Judge has held that the law declared therein shall bind and not the law declared by the Supreme Court in the decision reported as 2005 (6) SCC 344 Salem, Advocate Bar Association v. Union of India.

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3. Suffice it to state that where a issue pertaining to the construction of a statute directly arises and is the subject matter of an authoritative pronouncement by the Supreme Court, there is no scope to argue on the analogy of law declared in some other decision dealing with some other statute.

4. The law declared by the Supreme Court in Popular Construction's case (supra) is that Sub-section 3 of Section 34 of the Arbitration and Conciliation Act, 1996 and its proviso makes it clear that the power of the Court to condone delay in laying objection to an award is restricted to the period of 30 days as contemplated by the proviso to Sub-section 3 of Section 34 of the Act; and no more.

5. Concurring with the view taken by the learned Single Judge, we dismiss the three appeals in limine and thus, there shall be no order as to costs.

CM No.41075 FAO(OS) (COMM) 106/2016

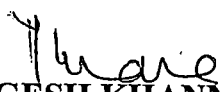
CM No.41481 FAO(OS) (COMM) 107/2016

CM No.41588 FAO(OS) (COMM) 108/2016

Since the appeals have been dismissed in limine, above captioned three applications, which seek stay of the operation of the awards dated February 20, 2015 are dismissed.

No costs.


PRADEEP NANDRAJOG, J.


YOGESH KHANNA, J.

NOVEMBER 08, 2016

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