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

+ O.M.P. 389/2015

BHARAT SANCHAR NIGAM LIMITED(SITA RAM SONI) AGM
..... Petitioner

Through Ms.Maneesha Dhir, Adv. with Mr.K.
Vijay Kumar and Mr.Ashwin Rakesh,
Advs.

versus

PERCEPT ADVERTISING LIMITED & ANR. Respondents
Through Mr.Harshad Pathak, Adv.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER

% **26.05.2016**

**I.A. No.14322/2015 (under Section 5 of the Limitation Act for
condonation of 169 days in filing the present petition)**

The above mentioned application has been filed by the petitioner for condonation of delay of 169 days in filing the present petition filed under Section 34 of the Arbitration and Conciliation Act, 1996 whereby the award dated 5th October, 2014 passed by the learned Arbitrator has been challenged. As per the petitioner the copy of the award was received by the petitioner on 10th October, 2015. It appears to the Court very clearly that objections are filed after four months including the extended period of time.

It is settled law that in view of the judgment passed by the Supreme Court in the case of **Union of India vs. M/s Popular Constructions Co.**, reported in AIR 2001 SC 4010, the application under Section 5 of the

Limitation Act or Section 151 CPC for condoning the delay after the prescribed period is not maintainable and the delay cannot be condoned in case the prescribed period as stipulated in Section 34 of the Arbitration and Conciliation Act, 1996 has been lapsed. In view of the same, the objections are time barred and not maintainable. The application is dismissed.

O.M.P. 389/2015

In view of the dismissal of the application, being I.A. No.14322/2015 for condonation of delay in filing the petition, the present petition is dismissed.

MAY 26, 2016/jk

MANMOHAN SINGH, J.