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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P. (COMM) 431/2016 & IA No. 12198/2016

NEXT GENERATION CABLE COMMUNICATION
AND ANR.

..... Petitioners

Through: Mr. Rahul Kumar with Mr. Saurabh
Shandilya, Advocate

versus

SANJHI EXIM PRIVATE LIMITED

..... Respondent

Through: Mr. Rajat Arora, Mr. Hemant Utpal
And Mr. Jagpreet Singh, Advocate

CORAM: JUSTICE S. MURALIDHAR

ORDER

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17.01.2017

IA No. 12201/2016 & OMP (COMM) 431/2016

1. The only reason for the delay of 47 days in re-filing the petition is set out in para 2 of the application, which is reproduced as under :-

“2. The Original Main Petition was filed on 2nd July, 2016 and thereafter the Petitioner No.2 was called for the discussions with the directors of the Respondent Company and a set of meeting took place to settle the matter outside the court. the same could not be settled ultimately. They same took some time and caused a delay of 47 days in re-filing the matter before this Ho'ble Court.”

2. The question of condoning the delay in re-filing a petition under Section 34 of the Arbitration and Conciliation Act, 1996 ('Act') has been discussed in the order of the Division Bench of this Court in the case of *Delhi Development Authority v. M/s. Durga Construction Co., 2013 (139) DRJ 133*, which was followed in *Yash Promoters & Builders Pvt. Ltd., 233*

(2016) DLT 556. Viewed in the light of the law so explained, the explanation offered by the Petitioner for the delay is wholly unsatisfactory. The Petitioner's approach to the issue is casual. The Court is not satisfied that any valid explanation has been offered for seeking condonation of delay.

3. The application is, accordingly, dismissed.

4. Consequently, the petition is also dismissed.

S. MURALIDHAR, J

JANUARY 17, 2017

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