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

+ O.M.P. (COMM) 249/2017

M/S.TANARIA INFRASTRUCTURE PVT.
LTD.

..... Petitioner

Through: Mr Sandeep Sharma, Ms Risha Mittal
and Mr Aman Dhyani, Advocates.

versus

NATIONAL HIGHWAYS AUTHORITY OF
INDIA

..... Respondent

Through: Ms Madhu Sweta, Mr Sumit Gupta
and Ms Kanika Tandon, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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30.05.2017

IA No.6833/2017

1. Allowed, subject to all just exceptions.

IA No.6834/2017

2. This is an application seeking condonation of delay of 240 days in re-filing the petition. The only explanation given in the application for the inordinate delay of 240 days (which the learned counsel for the respondent claims is 252 days) is that the petitioner took some time to obtain the documents and correlate with the pleadings. Plainly, the said explanation is unpersuasive and cannot be accepted.

3. The Division Bench of this Court in the case of **Delhi Development Authority vs. M/s Durga Construction Co: 2013 (139) DRJ 133** had explained that although this Court would have jurisdiction to condone the

delay in re-filing even if the said delay was beyond the period of three months plus 30 days as specified under Section 34(3) of the Arbitration and Conciliation Act, 1996, the discretion to condone such delay was to be exercised keeping in view the legislative intent and a liberal view is not warranted.

4. Thus, in the facts of the present case, this Court is not persuaded to accept that there were any justifiable reasons that prevented the petitioner from re-filing the petition within the specified time.

5. The application is dismissed. Accordingly, the petition also stands dismissed.

VIBHU BAKHRU, J

MAY 30, 2017

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