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

+ **FAO 52/2017**

UNION OF INDIA

..... Appellant

Through: Mr. Nitish Gupta, Adv. for Mr. Ravi
Prakash, Adv.

versus

M/S KUSHUMGAR CORPORATES PVT LTD

..... Respondent

Through: Mr. B.S.Mathur, Adv.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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26.09.2017

1. On 17.5.2017, the issue was crystallized by passing the following order:-

1. The issue which arises in this case is with respect to condonation of delay in filing objections to the Award. Undoubtedly, any delay beyond 120 days cannot be condoned in view of the judgment of the Supreme Court in the case of ***Union of India Vs. M/s Popular Construction Co. (2001) 8 SCC 470***, however it is seen in this case that though copy of the Award was received by the parties on 12.2.2016 but the Award was not on a stamp paper and the stamp paper has only been subsequently filed with the Arbitrator. The date of purchase of the stamp paper is 7.3.2016 and the issue would arise as to whether the limitation commences only after an Award is put on a stamp paper or it can even commence even if the Award is signed without it being on the requisite stamp paper.
2. Counsel for the parties would like to search the case law

and assist the Court.

3. List on 26th September, 2017.

2. Learned counsel for the appellant, with great fairness, and after doing research has found and therefore cited the judgment of the Division Bench in the case of ***D.M.Jawahar Merican Vs. Engineers Indial Limited ILR (2009) IV Delhi 571*** and in para 17 of this judgment the Division Bench of this Court has held that the embossing of stamp on the Award has no relevance for the purposes of computation of limitation under Section 34(3) of the Arbitration and Conciliation Act, 1996.

3. In view of the ratio laid down by the Division Bench of this Court in the case of ***D.M.Jawahar Merican (supra)***, and which judgment is binding on this Court, therefore, the present appeal is dismissed because admittedly objections were not filed within a period of 120 days of receiving of the notice of the Award.

4. The appeal is accordingly dismissed.

VALMIKI J. MEHTA, J

SEPTEMBER 26, 2017

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