

\$~OS-11

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

+ O.M.P. 436/2015

TELECOMMUNICATION CONSULATANTS

INDIA LIMITED

..... Petitioner

Through Mr.Ratan K. Singh, Mr. Abhishek
Iyer and Mr.Somya Priyadarshini, Advs.

versus

IDEB PROJECTS (P) LTD.

..... Respondent

Through Mr.V.Seshagiri and Mr.Anchit
Tripathi, Advs.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **30.08.2017**

I.A. No. 16402/2015 (exemption)

Allowed subject to all just exceptions.

IA No. 16401/2015

1. This application is filed under Section 34(3) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the Act) seeking condonation of delay of a period of 38 days in filing the objections under Section 34 of the Act.

2. It is urged that the Award was passed on 16.03.2015 and was communicated to the petitioner on 18.03.2015. It is stated that the objections have been filed on 24.07.2015. It is urged that the limitation period of 90 days for filing of the objections expired on 17.06.2015. However, during that period, the court was closed on account of vacation and hence, the then

counsel for the petitioner has under Section 4 of the Limitation Act excluded the period from 17.06.2015 to 29.06.2015. Hence, excluding this period of 10 days, it is urged that this court may condone the delay of 28 days as the objections have been filed on 24.07.2015.

3. The contentions are entirely misconceived. Under Section 4 of the Limitation Act, when the prescribed period for filing of a suit expires on the date when the court is closed, the suit may be instituted on the date when the court reopens. Hence, had the objections been filed on 29.06.2015, they would have been within limitation. Objections being filed subsequently i.e. on 24.07.2015. That is beyond the period of limitation period of three months plus 30 days as prescribed under Section 34(3) of the Act. There are no powers given to the court to condone the delay beyond the period of four months.

4. I may note that though the application states that the objections have been filed on 24.07.2015, the objection is only dated 24.07.2015. The record of this court shows that the same were filed on 06.08.2015 vide diary No. 366281/2015.

5. In view of the above, the application is dismissed.

O.M.P. 436/2015

The petition being barred by limitation is dismissed.

JAYANT NATH, J

AUGUST 30, 2017

rb