

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)Nos.739 to 744 of 2015
and M.P.Nos.1, 1, 1, 1, 1 & 1 of 2015

Union of India
 rep.by its Chief Secretary
 Government of Puducherry
 Puducherry

2.The Chief Engineer
 Public Works Department,
 Government of Puducherry
 Puducherry

3.The Executive Engineer
 Public Works Department,
 Government of Puducherry
 Puducherry

Petitioners in all CRPs

Vs.

K.P.Chandradasan

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Respondent in all CRPs

COMMON PRAYER : Civil Revision Petitions filed under Section 115 of the Constitution of India against the dismissal of the order of the condone delay petitions dated 01.12.2014 in I.A.Nos.889 to 894/2014 in un No.AOP No.Nil of 2014 on the file of Principal District Judge, Pondicherry.

For Petitioners : Mr.J.Kumaran
in all CRPs Govt. Advocate (Pondy)

For Respondent : Mr.Shivakumar
in all CRPs

ORDER

These Civil Revision Petitions have been filed against the dismissal of the order of the condone delay petitions dated 01.12.2014 in I.A.Nos.889 to 894/2014 in un No.AOP No.Nil of 2014 on the file of Principal District Judge, Pondicherry.

2. Since the parties and issues involved in all these Civil Revision Petitions are one and the same, these revision petitions are disposed of by this common order.

3. The respondent raised dispute claiming various amounts in respect of the work done by him and all the disputes were referred to sole arbitrator. The arbitrator, after contest, by awards dated 11.09.2013 passed separate awards granting various amounts to the respondent. The petitioners filed Arbitration OPs to set aside the arbitration award dated 11.09.2013 alongwith I.A.Nos.889 to 894/2014 to condone the delay of 28 days in filing the petitions. According to the petitioners, they received the certified copy of the

award on 10.11.2013. There was delay in getting opinion / sanction for filing the above Arbitration OPs and the delay is neither wilful nor wanton.

3(a) The respondent filed counter and submitted that as per Section 34 (3) of the Arbitration and Conciliation Act, an Arbitration OP to set aside the award of the arbitrator has to be filed within three months from the date of receipt of the copy of the award. As per proviso to Section 34 (3) of the Act, the court has power to condone the delay of 30 days on sufficient cause being shown by the party. In the present case, the delay is more than 30 days and Court has no power to condone the delay and prayed for dismissal of the IAs.

4. The learned Judge, considering the number of days of delay, the reason given by the petitioner and Section 34 (3) of the Act and proviso to said section, dismissed the application.

5. Against the said dismissal of the order of the condone delay petitions dated 01.12.2014 in I.A.Nos.889 to 894/2014 in un No.AOP No.Nil of 2014, the present Civil Revision Petitions are filed by the petitioners.

6. Heard the learned Government Advocate (Pondy) appearing for the petitioners as well as learned counsel appearing for the respondent and perused the materials available on record.

7. From the impugned order of the learned Judge and materials on record, it is seen that the petitioners have received the award on 10.11.2013 and filed OPs on 21.04.2014. The petitioners have filed the Arbitration OPs after a delay of 164 days of receipt of certified copy of the award. The petitioners, ought to have filed AOPs within 90 days and court has power, as per proviso to Section 34 (3) of the Act to condone the delay of 30 days only. From the above dates, it is clear that the petitioners have filed AOPs beyond the period of 30 days. Arbitration and Conciliation Act has empowered the Court to condone the delay of 30 days only. When the statute has limited the power of the Court to condone the delay of 30 days only, the learned Judge has rightly dismissed all the applications by considering proviso to Section 34 (3) of the Act. There is no irregularity or illegality in the orders impugned in these revisions warranting interference by this Court.

8. In the result, all the Civil Revision Petitions are dismissed.
No costs. Consequently, connected Miscellaneous Petitions are closed.

05.01.2018

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To

1.The Principal District Judge,
Pondicherry.

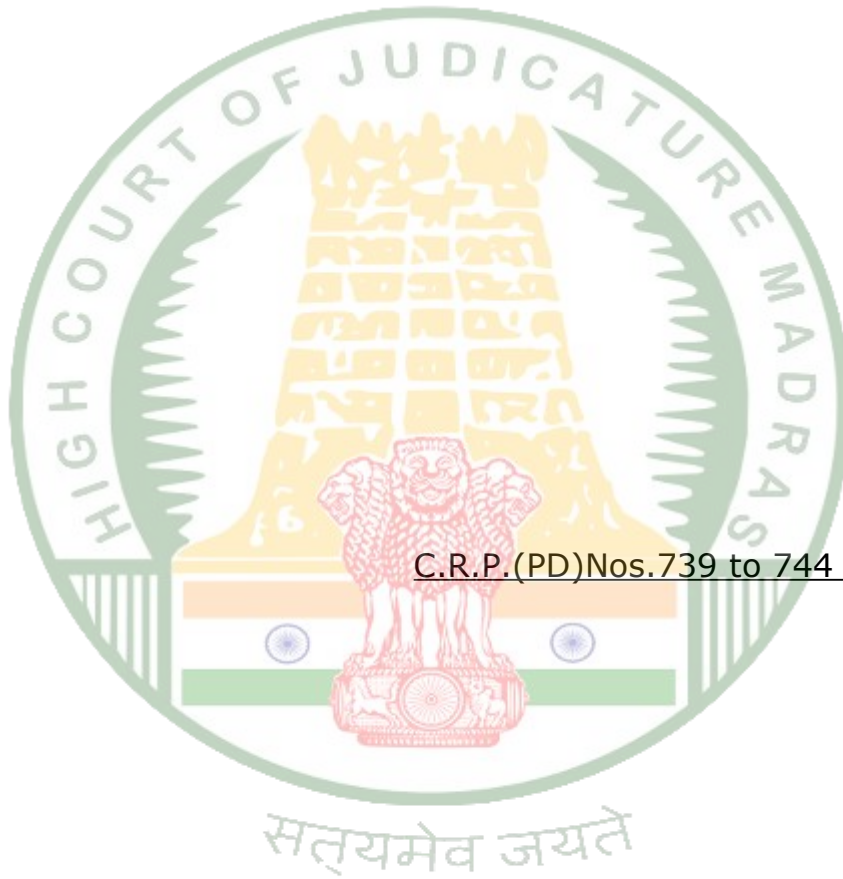
2.The Sole Arbitrator
The Arbitration Tribunal
Chennai.



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V.M.VELUMANI, J.

rgr



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