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

+ **O.M.P. (COMM) 132/2018**

INVINCIBLE ENTERTAINMENT PVT. LTD.
& ORS.

..... Petitioners

Through Mr Sandeep S. Deshmukh, Advocate.

versus

KAPUR FILMS

..... Respondent

Through Mr Sourabh Leekha, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **05.04.2018**

1. The petitioner has filed the present petition under Section 34 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act') impugning an arbitral award dated 17.06.2014 (hereafter 'the impugned award') delivered by the Arbitral Tribunal constituted by a Sole Arbitrator.
2. The present petition is founded on the assertion that the petitioner did not receive any notices of the arbitral proceedings or the arbitral award. The same is stoutly contested by the respondent. The respondent has filed an affidavit affirming that as per the arbitral record maintained by the arbitrator, the copy of the impugned award was sent by speed post to the petitioner as well as its directors. The respondent has also filed a tracking report indicating that the said item was delivered to the petitioner.
3. In view of the aforesaid assertion, the petitioner was given an opportunity to controvert the same. However, the learned counsel appearing for the respondent fairly states - on instructions of respondent no.2, Mr

Amit Chadra, Director, who is present in Court - that the petitioner is not in a position to controvert the said affidavit and, thus, has not filed any response thereto.

4. In view of the aforesaid, it is apparent that the present petition, which was filed on or about 20.02.2018, is beyond the period of limitation as specified under Section 34 (3) of the Act.

5. In this view, the present petition is not maintainable and is, accordingly, dismissed. All pending applications also stand disposed of.

VIBHU BAKHRU, J

APRIL 05, 2018

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