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

+ **O.M.P. (COMM) 334/2017 & IA No. 10279-10280/2017**

RAJAT GANDHI

..... Petitioner

Through None.

versus

DIVYA SOOD

..... Respondent

Through None.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **22.02.2018**

1. The matter was passed over in the morning as none had appeared for the petitioner. None appears for the petitioner even on the second call as well.
2. This is a petition filed under section 34 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act') impugning an arbitral award dated 31.08.2016.
3. The present petition was filed on 27.05.2017. It is thus, *ex facie*, beyond the period of limitation prescribed under Section 34(3) of the Act.
4. The present petition was listed on 07.09.2017 before this Court, and on that day the learned counsel for the petitioner had submitted that a petition under Section 34 of the Act had been filed earlier before the District Court, which was withdrawn to file the present petition. The learned counsel for the petitioner had also sought time to produce the relevant records.

5. On 31.10.2017, the learned counsel for the petitioner had stated that his earlier statement, that a petition under Section 34 of the Act was filed before the District Court, was erroneous. He states that an execution application for enforcement of the arbitral award was filed before the District Court by the respondent.

6. In this view, it is apparent that the present petition has been filed beyond the period specified under Section 34 (3) of the Act. The petition and the applications are, accordingly, dismissed both on the grounds of non-prosecution as well as barred by limitation.

VIBHU BAKHRU, J

FEBRUARY 22, 2018

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