

\$~11

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

+ **FAO(OS) (COMM) 57/2019**

M/S SRS REAL ESTATE LTD. Appellant
Through Mr. Kamal Kumar, Advocate

versus

M/S GRAND REALTECH LTD. Respondent
Through None

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE I.S.MEHTA

ORDER

% **15.03.2019**

CM Appl.No. 11913/2019 (Exemption)

1. Exemption allowed, subject to all just exceptions.

FAO(OS) (COMM) 57/2019

2. The appeal is directed against the order dated 31st January, 2019 passed by the learned Single Judge declining to condone the delay of 148 days in filing the petition under Section 34(3) of the Arbitration and Conciliation Act, 1996 ('Act') challenging an award dated 15th May, 2018 passed by the sole Arbitrator.

3. Learned counsel for the Appellant submits that on account of the Directors of the Appellant being in judicial custody, they were unable to file the petition under Section 34(3) of the Act within time.

4. As rightly pointed out by the learned Single Judge, there is no power

under the Act to condone the delay beyond the period stipulated under Section 34 (3) of the Act. The decision in *Union of India vs. Popular Construction Company (2001) 8 SCC 470* is clear on this aspect.

5. Consequently, there is no ground made out for interference with the impugned order of the learned Single Judge.

6. The appeal is dismissed.

S. MURALIDHAR, J.

I.S. MEHTA, J.

MARCH 15, 2019

mw