

\$~10

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

+ O.M.P. (COMM) 441/2018 & IAs 14419-20/2018, 1958-59/2019

ORIENTAL INSURANCE CO. LTD. Petitioner

Through: Mr.Amit Kumar Singh, Adv.

versus

PACIFIC GARMENTS PVT. LTD.

..... Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

%

18.02.2019

This petition has been filed under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') challenging the Arbitral Award dated 31.01.2017 passed by the Sole Arbitrator adjudicating the disputes that have arisen between the parties in relation to the three Standard and Special Pearls/Floater policies dated 25.10.2007, 28.05.2007 and 30.10.2007.

The petitioner, alongwith the present petition, has filed an application seeking condonation of delay of 25 days in filing of the present petition, being I.A. No.14420/2018. On the last date of hearing, it was put to the counsel for the petitioner that the delay in filing of the present petition would be much more than that and, in fact, beyond the maximum condonable period of 30 days from the expiry of three months from date of receipt of Award.

Learned counsel for the petitioner has submitted that before filing of

the present petition in this Court, the petitioner had filed the petition before the Court of Additional District Judge-02 (East), Karkardooma Courts, Delhi, being Arbitration Petition No.174/2017. The said petition was filed on 26.05.2017, that is, after a delay of 25 days. The said petition, however, was dismissed by the Court vide its order dated 14.08.2018, granting liberty to the petitioner to approach this Court by way of an appropriate petition. The present petition was thereafter filed by the petitioner on 19.09.2018.

Even giving the benefit of Section 14 of the Limitation Act, 1963 to the petitioner, the present petition would be beyond the condonable period of 30 days from the period of three months from the date of the receipt of the Award and therefore, cannot be condoned.

In view of the above, the present petition and pending applications are dismissed on the ground of limitation.

NAVIN CHAWLA, J

FEBRUARY 18, 2019/Arya