

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION (L) NO. 232 OF 2020**

Agrawal Cot Spin Private Limited

...Petitioner

Versus

Cotton Association of India & Anr

...Respondents

WITH

INTERIM APPLICATION NO. 1 OF 2020

IN

ARBITRATION PETITION (L) NO. 232 OF 2020

WITH

INTERIM APPLICATION NO. 2 OF 2020

IN

ARBITRATION PETITION (L) NO. 232 OF 2020

Mr A Singh, *with Vivek Patil, i/b Vivek Patil & Associates, for the
Petitioner.*

Mr Simil S Purohit, *with Mr Girish A, i/b M/s Purohit & Co, for the
Respondent.*

CORAM: G.S. PATEL, J.

DATED: 20th February 2020

PC:-

1. Interim Application No. 1 of 2020 seeks a stay of the Petition under Section 34 of the Arbitration and Conciliation Act 1996.

2. Interim Application No. 2 of 2020 seeks that a delay of 2683 days in filing the Section 34 Petition be condoned. In view of the settled law on the subject, that is clearly impossible. A Court hearing a Section 34 Petition does not, it has now been conclusively settled, have the authority or powers under the Limitation Act to condone delay beyond the statutory outer limit already fixed. The Court may in its discretion condone delay but for a period not exceeding 30 days. Thus there are total of 120 days within which an Arbitration Petition under Section 34 must be brought. (See: Section 34(3) proviso, and the last three words: *but not thereafter*.) In *Bharat Sanchar Nigam Ltd v Unity Telecom Infrastructure Ltd*,¹ RD Dhanuka J in terms held in paragraph 12 that the Court has no power to condone delay beyond 30 days after the expiry of the period of limitation prescribed under Section 34(3) of the Arbitration & Conciliation Act, 1996. I am not only entirely bound by that decision, but I am in the most respectful and complete agreement with it.

3. The public purpose behind this limitation prescription is self-evident. Arbitration matters cannot be allowed to be delayed even by invoking any discretionary provisions of the Limitation Act.

4. Interim Application Nos.1 of 2020 and 2 of 2020 are dismissed.

¹ Decision dated 20th August 2019 in Notice of Motion No. 423 of 2018 in Arbitration Petition (L) No. 1058 of 2017 and other matters.

5. Consequently, the Arbitration Petitions themselves are dismissed as time-barred.

6. All other legitimately remaining remedies of the Petitioners are expressly kept open.

(G. S. PATEL, J)