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

+ **FAO(OS) (COMM) 115/2019, C.M. No. 24310/2019,
C.M. No. 24313/2019 and C.M. No. 2216/2020**

SOUTH DELHI MUNICIPAL CORPORATION Appellant

Through: Mr. Sanjay Poddar, Sr. Advocate with
Mr. Gaurang Kanth, Ms. Biji Rajesh, Ms. Eshita
Baruah, Advocates.

versus

M/S ADWEL ADVERTISING SERVICE & ANR Respondents
Through: Mr. Jayant Mehta, Ms. Sukriti Mago and
Ms. Anu Srivastava, Advocates.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

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21.01.2020

**FAO(OS) (COMM) 115/2019, C.M. No. 24310/2019 (by the appellant
for seeking condonation of delay in filing the accompanying appeal),
C.M. No. 24313/2019 (by the appellant for seeking condonation of delay
in re-filing the accompanying appeal) and C.M. No. 2216/2020 (by the
appellant for seeking condonation of delay in filing the affidavit)**

1. The appellant/SDMC is aggrieved by the judgment dated 19.7.2018, passed by the learned Single Judge in a petition filed by the respondent/petitioner under Section 34 of the Arbitration and Conciliation Act, 1996 (in short “A&C Act”) assailing an Arbitral Award dated 22.5.2017, in OMP (COMM) 383/2017. Accompanying the present appeal is an application moved by the appellant for condonation of delay of 141 days

FAO(OS) (COMM) 115/2019

Page 1 of 2

(C.M.No.24310/2019) and another application has been moved by the appellant praying *inter alia* for condonation of delay of 50 days in re-filing the appeal (C.M. No. 24313/2019).

2. Mr. Mehta, learned counsel for the respondents opposes the condonation of delay application by citing two decisions of the Supreme Court i.e., Union of India vs. Varindera Const. Ltd. reported as **2018 SCC OnLine SC 3500** and N.V. International v. State of Assam & Ors. reported as **2019 SCC OnLine SC 1584** whereunder, it has been held that the maximum grace period that can be granted for entertaining a Section 34 petition or an appeal under Section 37 of the A&C Act, is 120 days.

3. Having regard to the fact that in the instant case, the delay in filing the appeal is way beyond 120 days, this Court is not in a position to condone the same. As a result, the condonation of delay application is dismissed and as a consequence thereof, the appeal and the remaining applications are also dismissed.

HIMA KOHLI, J

ASHA MENON, J

JANUARY 21, 2020
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