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

+ **FAO(OS) (COMM) 275/2019 & C.M. No.44557/2019 (stay)**

DELHI DEVELOPMENT AUTHORITY Appellant
Through Mr. Ajay Verma, Sr. Standing
Counsel with Mr. Ishaan Verma, Advocate.

versus

M/S GUPTA & CO Respondent
Through Mr. S.K. Jain and Mr. Akshu Jain,
Advocate.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

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05.03.2020

C.M. No.44556/2019 (by the appellant for condonation of delay of 135 days in filing the appeal)

1. The present application has been filed on behalf of the appellant/DDA praying *inter alia* for condonation of delay of 135 days in filing the accompanying appeal directed against a judgment dated 27.3.2019, passed by the learned Single Judge.

2. Learned counsel for the respondent questions the maintainability of the present appeal in view of the judgments of the Supreme Court in Union of India versus Varindera Constructions Limited reported as **(2018) 7 SCC 794** reiterated in N.V. International versus State of Assam & Ors. reported as **(2020) 2 SCC 109** wherein, it has been clarified that any delay beyond 120 days in filing an appeal under Section 37 from an application being either dismissed or allowed under Section 34 of the Arbitration and

Conciliation Act, 1996, ought not to be allowed.

3. In view of the aforesaid decisions, this court is not in a position to condone the delay beyond 120 days in filing the present appeal. The application is dismissed. As a consequence thereof, the present appeal is also dismissed alongwith the pending application.

HIMA KOHLI, J

ASHA MENON, J

MARCH 05, 2020
NA