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

% Judgment delivered on: 09.01.2023  
+ FAO (COMM) 174/2022 & CM. APPLs. 50088-89/2022  
D. SURAJ KUMAR D.S RAO & ANR. .... Appellants  
versus  
PNB HOUSING FINANCE LTD & ORS. .... Respondents

**Advocates who appeared in this case:**

For the Appellants: Ms. Shashi Kiran, Dr. Manoj Gorkela, Mr. Varun Kumar and Mr. Adutiya Veer, Advocates.

For the Respondents: None.

**CORAM:-**

**HON'BLE MR. JUSTICE SANJEEV SACHDEVA**

**HON'BLE MR. JUSTICE VIKAS MAHAJAN**

**JUDGMENT**

**SANJEEV SACHDEVA, J. (ORAL)**

1. The appellants impugn the order dated 06.07.2022 whereby the objections filed by the appellants under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the Act) have been dismissed solely on the ground of limitation. Subject award was passed on 28.04.2018. As per the appellants, copy of the award was received on 27.11.2018 and subject objections have been filed on 13.06.2019 after 197 days i.e., much beyond the period of 120 days which is the maximum extendable period in terms of the Section 34 sub-section 3 of the Act.

2. The question that then arises for consideration is as to whether the Courts have the power to condone the delay beyond the period of 90 days and the extendable period of 30 days even for sufficient cause

shown.

3. The Supreme Court in the case of *Simplex Infrastructures Ltd. V. Union of India (2019) 2 SCC 455* has held that an application for setting aside the award could be made within 3 months and the period can only be extended for a period of 30 days on sufficient cause being shown and not thereafter. The Supreme Court has held that the timelines are strict timelines and the delay beyond the extendable period of 30 days cannot be condoned.

4. It has been held by the Supreme Court in *Chintels India Limited V. Bhayana Builders Private Limited (2021) 4 SCC 602* that Section 5 of the Limitation Act does not apply to objections under Section 34 of the Act. Consequently in the instant case we find no infirmity in the view taken by the Trial Court that the period over and above, beyond the statutory period prescribed under section 34 of the Act could not be condoned.

5. Further contention of the learned counsel for the appellants that the award is erroneous on merits cannot be entertained, in view of the fact that the objections were filed belatedly.

6. In view of the above, we find no merit in the appeal, the appeal is accordingly dismissed.

**SANJEEV SACHDEVA, J.**

**VIKAS MAHAJAN, J.**

**JANUARY 9, 2023/dss**