



2024:DHC:5451



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IN THE HIGH COURT OF DELHI AT NEW DELHI*+ O.M.P. (COMM) 242/2023****PUBLIC WORK DEPARTMENT****.....Petitioner****Through: Mr. Bharat Singh Sisodia,
Advocate with Mr. Chandan, AE****versus****MUKESH SHARMA****.....Respondent****Through: Mr. Sanjoy Bhaumik, Advocate****CORAM:****HON'BLE MR. JUSTICE C.HARI SHANKAR****JUDGMENT (ORAL)****%****23.07.2024****O.M.P. (COMM) 242/2023**

1. On the last date of hearing, this Court specifically required the petitioner to address it on the point of limitation to satisfy it that the present petition under Section 34 of the Arbitration and Conciliation Act, 1996 ("the 1996 Act") was filed within the period of limitation envisaged by Section 34(3) of the 1996 Act.

2. Mr. Bharat Singh Sisodia, learned Counsel for the petitioner acknowledges that the impugned award was received by the petitioner on 1 February 2021. Section 34 petition was initially filed before the District Court on 17 April 2021. As the District Court did not have the jurisdiction to deal with the matter, the petition was withdrawn on 7 March 2023.



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3. Clearly, therefore, even if, the time spent in the District Court were to be excluded under Section 34 of the 1996 Act. The petition has been filed beyond the period of 120 days envisaged by Section 34(3) of the 1996 Act. Section 34(3) engrafts maximum period of limitation and it is not permissible for any Court to extend the limitation beyond 120 days from the date of receipt of the award.

4. Even if the period from 17 April 2021 to 7 March 2023, during which the petitioner was prosecuting the proceedings before the District Court are to be excluded, the present petition has been filed much beyond 120 days from the date of receipt of the arbitral award by the petitioner. In fact, it has been filed beyond 120 days even from the date when the petition was withdrawn from the District Court.

5. The petition is, accordingly, dismissed as barred by time.

I.A. 12575/2023 (Stay) and I.A. 12577/2023 (for condonation of delay of 3 days in refilling)

6. The applications do not survive for consideration and stand disposed of.

C.HARI SHANKAR, J

JULY 23, 2024

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Click here to check corrigendum, if any