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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P. (COMM) 532/2023 & I.A. 25732/2023, I.A. 25733/2023 &
I.A. 25734/2023

GOVT OF INDIA MINISTRY OF DEFENCE NAVY PRINCIPAL
DIRECTORATE OF FLEET MAINTENANCEPetitioner

Through: Mr. Chetan Sharma, ASG, Mr.
Apoorv Kurup, CGSC with Mr. R.V.
Prabhat, Mr. Vinay Yadav, Ms. Gauri
Goburdhun, Mr. Amit Gupta, Mr.
Saurabh Tripathi, Mr. Shubham
Sharma, Advocates.

versus

SHIP REPAIRING CENTRE ZVYOZDOCHKA RUSSIA

.....Respondent

Through: Mr. Anku Mahindro, Mr. Ravi Nath,
Mr. Rohan Taneja, Mr. Abhijeet
Mittal, Mr. Siddhant Vyas, Ms.
Khushi Natnani, Advocates.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

07.10.2024

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1. This is a petition under Section 34 of the Arbitration & Conciliation Act, 1996 for setting aside of the Arbitral Award dated 07.11.2022 passed by the Arbitral Tribunal at the Indian Council of Arbitration, New Delhi.
2. Mr. Chetan Sharma, learned ASG for the Petitioner, in all fairness states that the challenge to the Award has been made with a delay of 258 days. Though it is stated that the issue regarding the power of the Court to condone delay after the period of 120 days has been referred to a five Judges Bench of the Apex Court, however, the Apex Court has not passed any order



to bind the High Courts to consider any application beyond the period prescribed under the Arbitration & Conciliation Act.

3. In view of the matter, the challenge to the Award at such a belated stage cannot be considered.

4. The petition is disposed of along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

OCTOBER 07, 2024

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