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IN THE HIGH COURT OF DELHI AT NEW DELHI

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FAO(OS) (COMM) 201/2024 & CM APPL. 51832-51834/2024

PUBLIC WORKS DEPARTMENT

.....Appellant

Through: Mr Bharat Singh Sisodia, Advocate
with Mr Chandan, AE, PWD

versus

SHRI MUKESH SHARMA

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

O R D E R

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05.09.2024

[Physical Hearing/Hybrid Hearing (as per request)]

1. This appeal is directed against the judgment and order dated 23.07.2024 passed by the learned Single Judge.
2. The learned Single Judge has dismissed the appellant's petition under Section 34 of the Arbitration and Conciliation Act, 1996 [hereinafter referred to as the "1996 Act"], on the ground that the petition preferred was instituted beyond the prescribed period of limitation.
3. To be noted, the following facts concerning the issue revolving around limitation are not in dispute:
 - i. The award was rendered on 05.01.2021. The appellant received the award on the same date i.e., 05.01.2021.
 - ii. The appellant filed the petition under Section 34 of the 1996 Act in the district court on 17.04.2021.

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- iii. The district court returned the Section 34 petition to the appellant due to lack of pecuniary jurisdiction on 07.03.2023.
- iv. The appellant instituted a fresh petition in this Court on 27.03.2023.
4. The aforesaid dates and events would show that even if one were to exclude the entire period between 17.04.2021 and 07.03.2023 i.e., the period spent by the appellant in the district court to prosecute its Section 34 petition, the said action would not fall within the timeframe prescribed under Sub-Section (3) of Section 34 of the 1996 Act.
- 4.1 The learned Single Judge has concluded likewise.
5. We find no good reason to interfere with the impugned judgment.
6. The appeal is accordingly dismissed. Pending applications shall stand closed.

RAJIV SHAKDHER, J

AMIT BANSAL, J

SEPTEMBER 5, 2024/ds

[Click here to check corrigendum, if any](#)