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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P. (COMM) 21/2024, I.As. 680/2024, 681/2024 & 684/2024**

UNION OF INDIA THROUGH CCM/PS Petitioner
Through: Mr. Rakesh Kumar CGSC with Mr.
Sunil, Mr. Anil Kumar Joshi, Advs.
(M. 9811549455)

versus

M/S MAXPOSURE MEDIA GROUP PVT LTD Respondent
Through: Mr. Naresh Gupta, Adv. (M.
9811360477)

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **05.02.2024**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter, '*the Act*') for setting aside the arbitral award dated 12th December, 2021 wherein the Petitioner has been directed to pay an amount of Rs. 54,25,000/- to the Respondent.- M/s Maxposuremedia Group Pvt. Ltd.
3. The dispute arose out of the default in performance of the contract dated 21st December, 2015 to M/s Maxposuremedia Group Pvt. Ltd. by Northern Railway to provide "Rail Bandhu" on-board magazine on selected trains.
4. On the last date, *i.e.*, on 11th January, 2024, the matter was adjourned at the request of Id. Counsel for the Petitioner to also examine the fact as to whether the petition is filed within limitation as per Section 34(3) of the Act.
5. Today, submissions have been heard. The award is dated 12th



December, 2021 and is stated to have been received by the Department on 18th January, 2022. The ***OMP(COMM) No. 155/2022*** titled as ***Union of India v. Mis Maxposure Media Group Pvt. Ltd.*** filed before the District Judge (COMM) in the Patiala House Court, Delhi, bears the date 11th May, 2022. However in the last page, the stamp of the filing section of the Patiala House Court is of 27th September, 2022.

6. The petition was then returned due to lack of jurisdiction on 20th October, 2023. Mr. Kumar, Id. Counsel submits that it was actually returned on 8th December, 2023 and was then filed before this Court on 28th December, 2023.

7. Even if the period during which the matter remained pending before the Patiala House Court is excluded, it is noticed that in view of the above dates, the petition, itself, is barred by limitation.

8. Accordingly, the petition under Section 34 of the Act is dismissed with all pending applications, if any.

PRATHIBA M. SINGH, J.

FEBRUARY 05, 2024

mr/bh