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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P. (COMM) 48/2024 and I.A. 1628/2024, 1629/2024, 1632/2024, 6899/2024**

DELHI URBAN SHELTER IMPROVEMENT BOARD..... Petitioner
Through: Mr. Vinay Rathi, Manoj Jadly and
Mr. Dinar, Adv. (M: 9958799915)

versus

B.C.C. DEVELOPERS PROMOTERS PVT LTD Respondent
Through: Mr. Rahul Malhotra & Ms. Jutirani
Talukdar, Advs. (M: 7086387242)

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AND

+ **OMP (ENF.) (COMM.) 111/2023**
BCC DEVELOPERS AND PROMOTERS PVT.
LTD. Decree Holder

Through: Mr. Rahul Malhotra & Ms. Jutirani
Talukdar, Advs.

versus

DELHI URBAN SHELTER IMPROVEMENT
BOARD Judgement Debtor
Through: Mr. Vinay Rathi, Manoj Jadly and
Mr. Dinar, Adv.

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **30.05.2024**

1. This hearing has been done through hybrid mode.
2. **O.M.P (COMM) 48/2024** and **OMP (ENF.) (COMM) 111/2023** are two petitions, seeking setting aside and execution of the award dated 17th June, 2019, respectively. The dispute in the present case is in respect of a contract for construction of work *i.e.*, 980 nos. (G+4) five storied EWS Houses for slum dwellers at Sector-16B, Phase-II, Dwarka, New Delhi under JNNURM.
3. Vide order dated 25th January, 2024, the Court had directed the



Petitioner to file an affidavit to satisfy that the petition is within limitation. The affidavit has been filed by the Petitioner in compliance of order dated 25th January, 2024. The relevant dates in this matter are as under:-

S. No.	Dates	Particulars
(i)	17th June, 2019	The date of Award.
(ii)	12th September, 2019	Section 34 petition was filed before the Dwarka Courts
(iii)	23rd May, 2022	The Court in Dwarka returned the petition on the ground of lack of territorial jurisdiction. Certified copy of the same was made available to the Petitioner 14 days later.
(iv)	19th September, 2022	The Petitioner re-filed the Section 34 petition before the Court in Rohini.
(v)	27th July, 2023	The Court in Rohini disposed of the matter and held that it lacks pecuniary jurisdiction.
(vi)	25th September, 2023	Section 34 Petition <i>i.e.</i> , O.M.P (COMM) 48/2024 filed before the High Court.
(vii)	23rd January, 2024	The date of first listing before the High Court.

4. Even if the Court considers the entire period during which the matter remains pending before Dwarka and Rohini Courts and gives benefit under Section 14 of the Limitation Act, the petition under Section 34 would be barred by limitation.



5. Ld. Counsel for the Petitioner relies upon the decision of the coordinate Bench in ***O.M.P. (COMM.) 23/2020*** titled ***NHPC Limited Vs. BGS-SGS-SOMA JV*** decided on 17th June, 2020. This Court has perused the said decision. In the said decision, benefit of Section 14 of the Limitation Act was given for the period during which the matter was pending before the Gurugram Court and the period for obtaining certified copies of all the orders was also excluded. Such a situation does not arise in the present case as the period between return of petition by Dwarka Court and the re-filing in Rohini Court is approximately five months. Even if the Court gives the benefit of 14 days plus 35 days which was available at the time when the Section 34 petition was filed before Dwarka Courts, the petition would still be barred by limitation.

6. There is also no instructions in respect of amicable resolution of the disputes. Accordingly, the petition ***O.M.P (COMM) 48/2024*** is dismissed as being barred by limitation.

7. Insofar as the ***OMP (ENF.) (COMM) 111/2023*** is concerned, the DUSIB is directed to deposit the amount in terms of the order dated 26th April, 2024. If the same is not deposited by 15th July, 2024, concerned official of DUSIB shall remain present in Court on the next date of hearing.

8. List on 1st August, 2024.

PRATHIBA M. SINGH, J.

MAY 30, 2024/dk/ks