



2024:DHC:9001



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 21.11.2024

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O.M.P. (COMM) 474/2024 and IA No.44509/2024 (Stay)

UNION OF INDIA

.....Petitioner

Through: Mr. Sushil Kumar Pandey, SPC and
Mr. Kuldeep Singh and Ms. Neha
Yadav, Advs.

versus

M/S S. S. ENGINEERS

.....Respondent

Through: Ms. Pooja Dua, Adv. (through v/c)

CORAM:**HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)****IA No. 45755/2024 (condonation of delay of 116 days in filing the petition)**

1. This is an application seeking condonation of delay in filing the present petition.
2. The present petition impugns the Arbitral Award dated 21.02.2024, passed by the learned Sole Arbitrator.
3. It is submitted by the counsel of the applicant that although the impugned Award was received by the applicant's dak department on 13.03.2024, however, due to clerical error, the concerned authority received the impugned Award somewhere in the beginning of April 2024.
4. It further submitted by the counsel of the applicant that that the delay in filing of the present petition is attributable to the delay in internal administration of the concerned department.



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5. The present petition has been admittedly filed before this Court on 16.10.2024. The total time taken in filing the present petition from the date when the impugned Award was received i.e. 13.03.2024, is 266 days.
6. It is evident from above that the filing on 16.10.2024 was beyond the maximum period prescribed under Section 34(3) of the Arbitration and Conciliation Act, 1996. The outer deadline for filing the present petition (3 months + 30 days) from the date of the award had expired well before the date on which the petition was filed.
7. Therefore, in terms of the judgment of the Supreme Court in *Union of India v. Popular Construction Co.* (2001) 8 SCC 470, it is not possible to condone the delay beyond the period mentioned in Section 34(3) of the A&C Act. This has been affirmed in a series of cases, including *Simplex Infrastructure Ltd. v. Union of India* (2019) 2 SCC 455, *State of West Bengal v. Rajpath Contractors and Engineers Ltd.* (2024) 7 SCC 257.
8. In the circumstances, there is no merit in the application and the same is consequently dismissed.
9. Consequently, the present petition, along with pending application, also stands dismissed

SACHIN DATTA, J

NOVEMBER 21, 2024/sl