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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) (COMM) 291/2024**
THE CHIEF ENGINEER NATIONAL HIGHWAY PUBLIC
WORKS DEPARTMENT, GOVERNMENT OF UTTAR PRADESH

.....Appellant

Through: Mr. P. Singh, Mr. Prem Parkash, Mr.
Sameer and Mr. Abhay Singla,
Advocates

versus

DRA - S AND P (JOINT VENTURE)

.....Respondent

Through:

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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18.12.2024

1. The appellant has filed the present appeal under Section 37(1)(c) of the Arbitration and Conciliation Act, 1996 (hereafter *A&C Act*) impugning an order dated 18.09.2024 passed by the learned Single Judge in O.M.P. (COMM) 374/2024. The appellant had filed the above mentioned application (O.M.P. (COMM) 374/2024), seeking setting aside of the arbitral award dated 29.02.2024. According to the appellant, he received a signed hard copy of the said award on 15.03.2024. The appellant filed the above mentioned application for setting aside of the said award on 07.08.2024. The learned Single Judge had dismissed the said application on the ground that the appellant's application was beyond the time as stipulated under Section 34 (3) of the A&C Act.

2. Concededly, the application under Section 34(3) of the A&C Act is required to be filed within the period of three months from the receipt of the



arbitral award. In this case, the said period of three months expired on 15.06.2024. In terms of proviso to Section 34(3) of the A&C Act, the Court can condone the delay of 30 days, provided the Court is satisfied that the applicant was prevented by a sufficient cause from filing the application within the stipulated period. However, the Court does not have the jurisdiction to condone the delay beyond the period of 30 days. This issue stands settled by the decision of the Supreme Court in *Union of India vs. Popular Construction Co., (2001) 8 SCC 470*.

3. In the present case, the application filed by the appellant is beyond the period of 30 days that could be condoned by the Court.
4. We find no infirmity with the decision of the learned Single Judge in rejecting the petitioner's application under Section 34 of the A&C Act to set aside the arbitral award, on the ground that it was filed belatedly.
5. The appeal is, accordingly, dismissed.

VIBHU BAKHRU, ACJ

TUSHAR RAO GEDELA, J

DECEMBER 18, 2024

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Click here to check corrigendum, if any