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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P. (COMM) 512/2016

AIR LIQUIDE DEUTSCHLAND GMBH

..... Petitioner

Through: Ms. Mohna M Lal and Ms. Geetali
Hazarika, Advocates (M:
9810900223).

versus

GOYAL MG GASS PVTLD TD & ORS

..... Respondents

Through: Mr. Prakash Chand and Mr. Amit
Ranjan Singh, Advocates.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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24.04.2024

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner-Air Liquide Deutschland GmbH under Section 34 of the Arbitration and Conciliation Act, 1996 seeking setting aside of the arbitration award dated 28th February, 2014 passed in an International Chamber of Commerce Arbitration between the Respondents and Petitioner.
3. Vide order 18th January, 2024, this Court noted as under:-

“1. Pursuant to order dated 25.05.2023, the Registry has submitted a report which confirms that the present petition was first filed on 01.07.2014, and not on 31.07.2014 as contended on behalf of the respondents.

2. That being said, Mr. Simran Mehta, learned counsel appearing for the respondents submits, that nevertheless, the Registry of the High Court was open



on 28.06.2014 and the petition ought to have been filed on that day. Mr Mehta accordingly submits, that since the petition came to be filed only on 01.07.2014, the petition is still barred by time, as prescribed under section 34 of the Arbitration & Conciliation Act, 1996.

3. Ms. Mohna M. Madan Lai, learned counsel appearing for the petitioner however contends that section 4 of the Limitation Act 1963 permits the exclusion of time during the period when the "court is closed" until the time the "court reopens", which would mean that it was permissible to file the petition on the day of first sitting of the court, viz. 01.07.2014 in the present case.

4. Counsel relies upon the notification/foot-notes appended to the High Court of Delhi, Calendar for 2014, to point-out that the noting at the foot of the Calendar clearly states that the High Court will remain closed for summer vacations from "..... Monday, 2nd June to Monday, 30th June (both days inclusive) ". Counsel further relies upon a judgment of the Punjab & Haryana High Court titled Pirabhu vs. Bhirkha & Others in support of that submission.

5. Mr. Mehta seeks further time to examine the matter."

4. Ld. Counsel for the Petitioner submits that as per a notification of this Court bearing no. 308/Estt./EI/DHC dated 22nd May, 2014, the reopening of the Court shall be construed from 1st July, 2014 and, therefore, the present petition was filed within the limitation period.

5. Today, Id. Counsel for the Petitioner, under instructions, wishes to withdraw the present petition. Accordingly, the present petition is dismissed as withdrawn.

PRATHIBA M. SINGH, J.

APRIL 24, 2024/mr/dn