

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 11877 OF 2025
IN
ARBITRATION APPEAL (ST) NO. 20488 OF 2025

Indian Oil Corporation Limited Through Honble ...Applicant
Chairman And Honble Director

Versus

Prabhakar Engineer Pvt Ltd ...Respondent

Mr. Siddharth Samantray, a/w Amit Meharia, Tannishtha Singh, Vibhor Victor, Shubham Sawant, Tushar Awasthi, Preet Dabre, i/b Meharia & Co., for the Applicant.

Mr. Chinmay Patil, for Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : NOVEMBER 17, 2025

ORDER :

1. This is an Appeal filed under Section 37 of the Arbitration and Conciliation Act, 1996 (***“the Act”***) impugning an order dated September 19, 2024, which in turn interfered with an arbitral award dated September 24, 2013. The Arbitral Award directed the Appellant to pay a sum of Rs.75.07 lakhs to the Respondent and rejected certain claims that had been raised by the Respondent against the Appellant. The matter was carried in challenge under Section 34, and the Section 34 Court held that the award of Rs.75.07 lakhs to the Respondent was

worthy of being upheld while the rejection of the claim raised by the Respondent against the Appellant was wrong.

2. Therefore, as regards the rejected part of the claim, it would follow that the arbitration agreement subsists and the parties may have to arbitrate afresh.

3. There has been a delay in filing of the challenge under Section 34 of the Act. The Impugned Order dated September 19, 2024 is said to have been received by the Appellant on October 17, 2024. The Appeal has been affirmed nearly seven months after the purported date of receipt of the Arbitral Award, only on May 7, 2025. It is contended that the Appeal was lodged on May 8, 2025. This is seriously contested by the Respondent who submits that according to the website of this Court, the Appeal is shown as having been lodged only on June 24, 2025.

4. Be that as it may, the delay of 131 days for which condonation is sought, is well above six months. The reasons for the delay sought to be pressed into service in the Interim Application No.11877 of 2025 are noteworthy.

5. A plain reading of the same would show that the reasons given have been routinely provided, including that considerable time was involved to collate decade-old documents to pursue this Appeal; and that multiple departments of the Respondent needed to examine the matter and grant approvals to file the Appeal. Internal procedures and protocols of the Appellant are also sought to be pressed into service.

6. The reasons sought to be provided are no reasons at all in the eyes of law for condonation of delay. Even without adopting a strict approach of seeking to explain every day's delay, the reasons appear specious since in an appeal there is no need to look for decade-old documents and the material on record in the very challenge pursued under Section 34 of the Act would be easily available.

7. The position in law on condonation of delay has been squarely dealt with by the Supreme Court in ***Borse Brothers***¹ as well as ***Postmaster General***². Merely because the Appellant is a public sector undertaking, it would not have the benefit of claiming that its own internal processes would need to be factored in to condone the delay – an excuse that is not available even to the Government. The Appellant is

1 *Executive Engineer v. Borse Brothers Engineers and Contractors Private Limited – (2021) 6 SCC 460*

2 *Postmaster General v. Living Media (India) Ltd. – (2012) 3 SCC 563*

a professional navaratna public sector company and cannot parrot the reasons that governments fail to convince courts with.

8. In these circumstances, in my opinion, no case is made out from the reasons cited in the Application seeking condonation of delay. The Interim Application stands ***dismissed*** without condoning the delay. Consequently, the Appeal is also dismissed.

9. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]