



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.5585 OF 2023

Sarjuprasad S/o Sangamlal Gupta .Vs. The Project Director, NHAI,

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. H.R. Gadhia, Advocate for petitioner.

Mr. A.A. Kathane, Advocate for respondent.

CORAM : ROHIT W. JOSHI, J.

DATE : 19/09/2025

1. The petitioner takes exception to the order dated 09.03.2023, passed by the learned District Judge-9, Nagpur, on an application at Exh.17 in Arbitration Case No.13 of 2020, which is an application for amendment of the application filed under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as "Act of 1996"). The said application came to be allowed by the impugned order.

2. The learned Advocate for the petitioner submits that, in a proceeding filed under Section 34 of the Act, application for amendment containing fresh grounds of challenge cannot be permitted to be incorporated by way of amendment after the prescribed period of limitation. He contends that the prescribed period of limitation for filing application under Section 34 of the Act of 1996, is of 3 months and delay beyond period of 30 days cannot be

condoned. The contention is therefore that after period of three months from the date of communication of Award and a further period of 30 days thereafter an application for amendment cannot be entertained. He has placed reliance on judgment of this Court in the matter of *Sarjuprasad S/o Sangmlal Gupta ..vs.. National Highways Authority of India and others*, reported in *2021 SCC Online Bom 2343* and in the matter of *Friends & Friends Shipping Private Limited ..vs.. Central Warehousing Corporation*, in **W.P. No.6501 of 2022** decided on 12.07.2022. He has also placed the judgment of the Hon'ble Supreme Court of India in the matter of *State of Maharashtra ..vs.. Hindustan Construction Company*, reported in **(2010) 4 SCC 518**.

3. The ratio of the judgment is that even after expiry of limitation, an application for amendment of a petition filed under section 34 of the Act, can be entertained provided the grounds which are sought to be incorporated are not completely new grounds of challenge. An application for amendment to further elaborate or explain the grounds of challenge is maintainable.

4. Perusal of application filed will demonstrate that contentions are raised by the respondent/NHAI with respect to grant of ready reckoner rate and also with respect to section 3-G(2) of the National Highways Act, 1956. Both the grounds that have been raised by the

respondent/NHAI in Section 34 petition are sought to be further elaborately explained by way of amendment. The grounds that are sought to be incorporated in view of the amendment are only in the nature of further explanation and elaboration of the grounds that are already raised in the petition. The judgments referred in paragraph-2 above do not forbid such amendment.

5. In that view of the matter, no case for interference is made out, writ petition is **disposed of**.

(ROHIT W. JOSHI, J.)

C.L. Dhakate