



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2025

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

A.No.151 of 2025 in Arb.O.P. (Com.Div.) DR. No.174606 of 2024

M/s.JRS Infrastructure and another

.. Applicants

VS

M/s.Sundaram Finance Ltd.

.. Respondent

ORDER

This application has been filed seeking to condone the delay of 30 days in filing the petition filed under Section 34 of the Arbitration and Conciliation Act.

2.According to the applicants, the impugned Arbitral Award dated 25.07.2024 was received by them from the Arbitrator only on 27.07.2024. Therefore, according to the applicants, there is a delay of 30 days in filing the petition under Section 34 of the Arbitration and Conciliation Act.

3.According to the respondent, the delay in filing the petition under Section 34 of the Arbitration and Conciliation Act is beyond the period of limitation as prescribed under Section 34(3) of the Arbitration and Conciliation Act. According to the respondent, since the petition has been filed beyond the statutory period



(three months + 30 days), this application is not maintainable.

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4.As seen from the records, the following dates are noted:

a)The Award is dated 25.07.2024;

b)The applicant has received the Arbitral Award from the Arbitrator on 27.07.2024; and

c)The three months period from 27.07.2024 expires on 26.10.2024.

5.This application seeking to condone the delay of 30 days was e-filed on 25.11.2024. As seen from the aforementioned dates, the last date for filing an application seeking to condone the delay falls on 25.11.2024, which is the date on which the applicant has e-filed this application seeking to condone the delay of 30 days in filing the petition under Section 34 of the Arbitration and Conciliation Act.

6.Since this application has been filed on the last date for saving limitation, this Court is of the considered view that this application is maintainable. With regard to the reasons for not filing the petition on time, the applicants have stated that even though papers were made ready even prior to the three months period stipulated under Section 34 of the Arbitration and Conciliation Act for filing the petition under Section 34 of the Arbitration and Conciliation Act, the applicants



had a medical emergency and due to the said reasons, they could not instruct their

Advocate to file the petition on time.

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7. Though the said reason given by the applicants has been disputed by the respondent as seen from the counter filed before this Court, this Court, after giving due consideration to the fact that sufficient reasons have been given by the applicants for not presenting the petition on time, is inclined to condone the delay of 30 days in filing the petition under Section 34 of the Arbitration and Conciliation Act to challenge the impugned Arbitral Award. Accordingly, this application is allowed as prayed for.

Registry is directed to number the O.P. if it is otherwise in order and list the same for admission.

20.02.2025

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ABDUL QUDDHOSE,J.

vga

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