



A.No.2001 of 2025 in Arb. O.P. (Com. Div.) DR. No.55253 of 2025

S. Raghavan and Another

... Applicants

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Vs.

A. Rathinavel (Died) and Others

... Respondents

ABDUL QUDDHOSE.J.,

A Division Bench of this Court by its order dated 24.03.2025 permitted the appeal filed by the petitioner to be converted as petition filed under Section 34 of the Arbitration and Conciliation Act in C.M.P.No.4892 of 2025 in Arb. Appeal SR. No.13455 of 2025.

2. Pursuant to the said direction, the Registry of this Court has converted the appeal filed by the petitioner to one under Section 34 of the Arbitration and Conciliation Act.

3. This application has been filed to condone the delay of 181 days in filing the appeal. Admittedly, the petitioner had received the impugned arbitral award on 05.05.2024. However, this petition has been filed only on 25.01.2025. Section 34(3) of the Arbitration and Conciliation Act makes it clear that an application for setting aside the arbitral award will have to be



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made within a maximum period of 120 days from the date of receipt of a copy of the arbitral award. Section 34(3) of the Arbitration and Conciliation

Act is reproduced hereunder:

" (3) An application for setting aside may not be made after three months have elapsed from the date on which the party making that application had received the arbitral award or, if a request had been made under section 33, from the date on which that request had been disposed of by the arbitral tribunal:

Provided that if the Court is satisfied that the applicant was prevented by sufficient cause from making the application within the said period of three months it may entertain the application within a further period of thirty days, but not thereafter. "

4. The law is now well settled by various decisions rendered by the Constitution Court that there is no power vested with the Court to condone any delay of more than 30 days prescribed under the proviso to Section 34 (3) of the Arbitration and Conciliation Act. In view of the well settled law,



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this application filed to condone the delay of 181 days in filing this petition under Section 34 of the Arbitration and Conciliation Act is not maintainable.

5. Accordingly, this application is dismissed.

21.04.2025

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