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Application No.5520 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2025

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THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

Application No.5520 of 2025  
in Arb.O.P.(Com.Div.) DR.No.17257 of 2025

S.Muthukrishnan  
Partner  
M/s.S.M.K.Engineering Industries  
Plot No.C, SIDCO Industrial Estate  
Gudimallur Post, Walajapet -632 513.

.... Petitioner

Vs

S.Venkataramanan  
Partner  
M/s.S.M.K. Engineering Industries  
No.M75, New TNHB  
SIPCOT, Ranipet-3  
Vellore District.

.... Respondent

Prayer : Application (Commercial Division) filed under Order XIV Rule 10 read with Order XIV Rule 10(V) of O.S.Rules, praying to permit the petitioner to pay the deficit court fee of Rs.66,052/- in Arb.O.P.(Com.Div) ATN No.20220020032C202400057 on the file of this Court and admit the original petition



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For Petitioner : Mr.C.D.Sugumar

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### ORDER

This application has been filed to permit the petitioner to pay deficit Court fee of Rs.66,052/- with a delay of 153 days.

2. Heard Mr.C.D.Sugumar, learned counsel for the applicant and perused the materials available on record.

3. I had an occasion to deal with the issue of delay in payment of deficit court fee in Appln. Nos.4872 and 4874 of 2025 in Arb.O.P.SR.No.95844 of 2023 and Arb.O.P.SR.No.95844 of 2023, passed on 23.10.2025 and the relevant portion is extracted hereunder :

*“29. All the above judgments make it clear that filing of a petition with deficit Court fee cannot be construed as proper presentation of the petition. If such presentation of the petition has to be regularized, the deficit Court fee must be paid within the limitation period prescribed under Section 34(3) of A and C Act. If the same is not done, the Court is divested of its power to condone the delay in the light of mandate prescribed under Section 34(3) of A and C Act. In other words, improper presentation of the petition by paying deficit Court fee, does not arrest the limitation period prescribed under sub-*



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*section (3) of Section 3 of A and C Act, unless the deficit Court fee is paid within the limitation period prescribed in that provision. If the limitation period is crossed, an application filed thereafter to condone the delay in paying the deficit Court fee cannot even be entertained, since it goes beyond the power of the Court which is circumscribed under Section 34(3) of A and C Act.”*

4. In the present case, the period of limitation has already crossed. Thereafter, the above application filed to condone the delay in paying the deficit Court fee, cannot be entertained, since it goes beyond the powers of Court which has been fixed under Section 34(3) of the Arbitration and Conciliation Act, 1996.

5. In view of the above, this application is dismissed. No costs.

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Index : Yes / No  
Speaking order / Non-speaking order  
Neutral Citation: Yes / No  
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N.ANAND VENKATESH,J.

ds

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