



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-11-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

A No. 5045 of 2025

and

A NO. 5046 OF 2025

Kuzhandhai Kani
199/200, Choudary Nagar,
Valasarawakkam,
Chennai-600087

Applicant(s)

Vs

Hindustan Petroleum Corporation Ltd.,
Represented by its Chief Regional
Manager, Chennai Retail Regional
Office, Petro Bhavan, 2nd Floor,
No.82, T.T.K.Road, Alwarpet,
Chennai 600 018.

Respondent(s)

A No. 5046 of 2025

Kuzhandhai Kani
199/200, Choudary Nagar,
Valasarawakkam, Chennai-600087

..Applicant(s)

Vs

Hindustan Petroleum Corporation Ltd.,
Represented by its Chief Regional
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No.82, T.T.K.Road, Alwarpet,
Chennai 600 018.



..Respondent(s)

A No. 5045 of 2025

PRAYER

To set aside the order in A.No.3824 of 2025 in O.P.D.No.131228 of 2018 order dated 12/08/2025.

A No. 5046 of 2025

PRAYER

To set aside the order in A.No.3826 of 2025 in O.P.D.No.131228 of 2018 order dated 12/08/2025.

For Applicant(s): Mrs.V.Srimathi

COMMON ORDER

These applications have been filed challenging the common order passed by the learned Master dated 12.8.2025 in A.Nos.3824 and 3826 of 2025, dismissing the applications filed to condone the delay of 492 days in representation of Section 34 application and to condone the delay of 512 days in paying the deficit court fee.

2.Heard the learned counsel for the applicant.

3.In the considered view of this Court, the issue regarding the payment of deficit Court fee is squarely covered by the earlier order of this Court made in A.Nos.4872, 4874 of 2025 dated 23.10.2025. The relevant portion is extracted



hereunder:

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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-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 case in hand, there is no dispute with regard to the fact that the



petition was filed with a delay of 512 days for payment of deficit court fee. This delay cannot be condoned since it goes beyond the limitation period prescribed under Section 34(3) of the Arbitration and Conciliation Act.

5. In the light of the above discussion, it is not necessary for this Court to go into the other issue regarding delay in representation. Accordingly, the order passed by the learned Master dated 12.8.2025, in A.Nos.3824 and 3826 of 2025, is confirmed and these applications are accordingly dismissed. No costs.

24-11-2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No

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To
Hindustan Petroleum Corporation Ltd
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N.ANAND VENKATESH J.

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