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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P. (COMM) 113/2025 & I.A. 6076/2025, I.A. 6077/2025
I.A. 6078/2025
UNION OF INDIA

.....Applicant/Petitioner

Through: Mr. Balendu Shekhar, CGSC with
Mr. Rajkumar Maurya, Mr. Krishna Chaitanya,
Mr. Divyansh Singh Dev, Adv.

versus

MAHIPAL SINGH & ANR.

.....Respondents

Through: Mr. Sanjoy Bhaumik, Adv.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
12.11.2025

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I.A. 6077/2025 & I.A. 6078/2025

1. These are applications seeking condonation of delay in filing the objection petition under Section 34 of the Arbitration and Conciliation Act of 1996 (*"the Act"*).
2. Mr. Bhaumik, learned counsel for the respondents, has drawn my attention to the reply filed by them to the petition seeking condonation of delay.
3. The chart is relevant and reads as under:-



Respondent's Chart

Sr. No.	Particulars	Date of Event	Total Time/Period
1	Award Dated 26/04/2024 Received By the Petitioner (Doc. MARK "R1")	26-04-2024	
2	Petition Under Section 34 (O.M.P.(COMM)-113/2025 Filed by the Petitioner in High Court of Delhi. (Doc. Mark "R2")	04-03-2025	
3	Total Period Elapsed from date of receipt of Award till in filing before the High Court		311 Days
4	Period Spent in Obtaining Certified Copy by the Petitioner (Details at Page no. 12 of Petition)	18.01.2025 to 18.02.2025	31 Days
5	Pendency of Section 34 Petition before the District Court , Patiala House New Delhi From 23/08/2024 till the Date of Withdrawal 15/01/2025 (Doc. Mark "R3")	23.08.2024 To 15.01.2025	144 Days
6	Total Period of Delay for Filing Petition u/s 34 in High Court of Delhi : Sr. no. (3) - (4) - (5)		136 Days

4. The fact that the Award was received on 22.04.2024 is confirmed by the petitioner's own application, wherein the chart produced by the petitioner reads as under:-



Petitioner's chart

S. No.	Particulars	Date	No. of days 3 months + 30 days
7.	Impugned award	26.04.2024	0
8.	Objection Petition U/s. 34 of A. C. Act, 1996 filed with 14 days delay application before the Ld. Trial Court	08.08.2024	104
9.	Petition withdraw with liberty before the Ld. Trial Court	15.01.2025	0
10.	Certified copy apply for entire record of the Ld. Trial Court	18.01.2025	3
11.	Certified copy received from the Ld. Trial Court	18.02.2025	0
12.	The Petitioner has filed before this Hon'ble Court	24.02.2025	6
Total delay after 3 months:			113 -90 <u>23 days</u>

5. A perusal of serial No.7 of the chart shows that the Award was received by the petitioner on 26.04.2024. The chart of the respondents is incorrect as far as date of filing in the High Court (shown as 04.03.2025) in serial No. 2 is concerned. The date of filing is 24.02.2025, which is available from the Index of the petition being O.M.P. (COMM) 113/2025.
6. Hence, the period elapsed from the date of receipt of the Award and filing the petition would not be 311, but would be 303 days.
7. Admittedly, the petitioner spent 31 days in obtaining certified copies and the Section 34 petition was pending from 23.08.2024 to 15.01.2025.
8. The crucial date for consideration is 23.08.2024 i.e., the date of filing



before the Patiala House Court. This is clearly established from document R-3 filed by the respondents, which records the filing date as 23.08.2024 before the District and Sessions Judge, Patiala House Courts, New Delhi.

9. The confusion in the petitioner's chart arises from the incorrect assumption at Sr. No. 8, where the date of filing of objections has been taken as 08.08.2024 instead of the correct date, 23.08.2024. Once the correct date is applied, it becomes evident from both charts that the petition was filed before the High Court beyond the condonable period of 120 days.
10. The law with regard to limitation is clear and the period of limitation once begins to run does not stop.
11. The period of time utilised in pursuing remedies before a wrong forum is to be excluded. Hence, excluding a period of 31 days and 144 days from 303 days, time consumed before filing would be 128 days, which is beyond the period prescribed under the Act.
12. In ***LLP Formerly Known as Singhal Credit Management Ltd. v. Religare Securities Ltd., 2022 SCC OnLine Del 4737***, it was observed as under:

“4. However, before we proceed further, some important parameters need to be set forth, as enunciated in law, to decide the issue at hand:

(i) Once limitation commences, it does not get interrupted.

(ii) The Limitation Act, 1963 (in short “the 1963 Act”) is applicable to arbitration proceedings by virtue of Section 43 of the 1996 Act.



(iii) The limitation period prescribed for filing a petition under Section 34 of the 1996 Act, is three [3] months.

(iiia) Since the 1996 Act does not define the expression “month”, the same will have the same meaning, as defined in Section 2(35) of the General Clauses Act, 1897. The said section provides that the expression “month” means a month reckoned according to the British calendar. Where the period prescribed is a calendar month running from an arbitrary date, it expires with the day in the succeeding month immediately preceding the day, corresponding to the date upon which the period starts, save and except where the period starts at the end of the calendar month which contains more days than the succeeding month, the period expires at the end of the latter month. [See Halsbury's Laws of England Volume 37 (third edition)¹.]

(iiib) However, the Supreme Court in the judgment rendered in State of H.P. v. Himachal Techno Engineers, (2010) 12 SCC 210, made the following observations with regard to how the terminal date of the three months timeframe should be ascertained:

“18. Therefore when the period prescribed is three months (as contrasted from 90 days) from a specified date, the said period would expire in the third month on the date corresponding to the date upon which the period starts. As a result, depending upon the months, it may mean 90 days or 91 days or 92 days or 89 days.”



(iiic) The period of limitation commences from the date of receipt of the award, or if a request under Section 33 of the 1996 Act is made, the date on which the request is disposed of. Section 5 of the 1963 Act is not applicable to proceedings instituted under 34 of the 1996 Act. [See Union of India v. Popular Construction Co., (2001) 8 SCC 470.]

(iv) Section 14 of the 1963 Act is applicable to Section 34 proceedings, preferred under the 1996 Act, provided the petitioner meets the requisite criteria i.e., the proceedings are prosecuted with due diligence, the matter in issue is the same, and was being taken forward in good faith in a court which could not have entertained it on account of a defect in the jurisdiction, or any other cause of like nature. [See Consolidated Engg. Enterprises v. Irrigation Deptt., (2008) 7 SCC 169².]

13. The Court does not have the power to condone the delay beyond the period mentioned in Section 34(3) of the Act in view of the law laid down in ***Union of India v. Popular Construction (2001) 8 SCC 470*** wherein, it was observed as under:

“12. As far as the language of Section 34 of the 1996 Act is concerned, the crucial words are “but not thereafter” used in the proviso to sub-section (3). In our opinion, this phrase would amount to an express exclusion within the meaning of Section 29(2) of the Limitation Act, and would therefore bar the application of Section 5 of that Act. Parliament did not need to go further. To hold that the court could entertain an



application to set aside the award beyond the extended period under the proviso, would render the phrase “but not thereafter” wholly otiose. No principle of interpretation would justify such a result.

...

14. *Here the history and scheme of the 1996 Act support the conclusion that the time-limit prescribed under Section 34 to challenge an award is absolute and unextendable by court under Section 5 of the Limitation Act. The Arbitration and Conciliation Bill, 1995 which preceded the 1996 Act stated as one of its main objectives the need “to minimise the supervisory role of courts in the arbitral process” [Para 4(v) of the Statement of Objects and Reasons of the Arbitration and Conciliation Act, 1996] . This objective has found expression in Section 5 of the Act which prescribes the extent of judicial intervention in no uncertain terms:*

“5. Extent of judicial intervention.—Notwithstanding anything contained in any other law for the time being in force, in matters governed by this Part, no judicial authority shall intervene except where so provided in this Part.”

14. Thus, it is clear that the intent of the legislature was to make the time limit absolute and unextendable for filing an application, as it is evident from the use of the words “*but not thereafter*” in the proviso. These words made it abundantly clear that as far as the limitation for filing an application for setting aside an Arbitral Award is concerned, the



statutory period prescribed is three months which is extendable by another period of upto thirty days (and no more) subject to the satisfaction of the Court that sufficient reasons are provided for the delay.

15. For the said reasons, the applications are dismissed as the petition is filed beyond three months plus 30 days.

O.M.P. (COMM) 113/2025

16. Since the applications for condonation of delay are dismissed, the petition under Section 34 of the Arbitration and Conciliation Act, 1996, also stands dismissed.

17. The petition is disposed of in aforesaid terms.

I.A. 6076/2025

18. For the aforesaid reasons, the application for staying of the impugned award dated 26.04.2024 on behalf of the applicant also stands dismissed.

NOVEMBER 12, 2025 / (MS)

JASMEET SINGH, J