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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ O.M.P. (COMM) 301/2024 & I.A. 34402/2024, I.A. 34403/2024, I.A. 34406/2024

UNION OF INDIA

.....Petitioner

Through: Mr. Piyush Beriwal, Mr. Sandip Munian, Ms. Jyotsna Vyas Advocates

versus

M/S NKB INFRASTRUCTURE PVT. LTD.

.....Respondent

Through: Mr. Tarun Gupta, Mr. Hirday Virdi, Advs.

**CORAM:**

**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**ORDER**

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**14.02.2025**

1. The instant petition under Section 34 of the Arbitration & Conciliation Act has been filed by the Petitioner challenging an Award dated 17.06.2023 passed by the Arbitral Tribunal which was received by the Petitioner/Union of India on 20.06.2023.
2. Taking 20.06.2023 as the *terminus quo*, the challenge should have been made on or before 21.10.2023.
3. Material on record indicates that the petition under Section 34 of the Arbitration & Conciliation Act being OMP (COMM) No.137/2023 was filed by the Petitioner before the District Court, Patiala House, New Delhi. The said petition was rejected on the ground of pecuniary jurisdiction *vide* Order dated 27.02.2024. Taking into account Section 14 of the Limitation Act and excluding the time spent between the date of filing of the petition before



District Court, Patiala House, New Delhi and the date of disposal of the said petition i.e., on 27.02.2024, the present petition should have been filed on or before 08.03.2024. The present petition has been filed by the Petitioner only on 16.03.2024.

4. The period of limitation under Section 34(3) of the Arbitration & Conciliation Act stipulates that time within which an Award can be challenged in a court having competent jurisdiction is defined under Section 2(1)(e) of the Arbitration & Conciliation Act.

5. The Apex Court in Simplex Infrastructure Limited v. Union of India, (2019) 2 SCC 455 has held that any challenge beyond the period of limitation cannot be entertained having been barred by limitation.

6. In view of the fact that the challenge made by the Petitioner is belated, this Court is not inclined to entertain the present petition under Section 34 of the Arbitration & Conciliation Act. Thus, the challenge fails on the ground of limitation.

7. The petition is dismissed along with pending application(s), if any.

**SUBRAMONIUM PRASAD, J**

**FEBRUARY 14, 2025**

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