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

+ O.M.P. (COMM) 325/2025, I.A. 19655/2025, I.A. 19656/2025, I.A. 19657/2025, I.A. 19658/2025 & I.A. 19659/2025

GOVERNMENT OF NCT OF DELHIPetitioner
Through: Mr. Bharat Singh Sisodia, Advocate.

versus

M/S MPS CONSTRUCTION COMPANYRespondent
Through: Mr. Sanjoy Bhaumik and Mr. Sandeep Kumar, Advocates.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **15.09.2025**

1. The present petition has been filed on behalf of the petitioner under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter 'Act'), seeking the set aside of the Award dated 22nd November, 2024.
2. The petition is accompanied by an application (I.A. 19656/2025) seeking condonation of delay of 114 days in filing the petition under Section 34 of the Act.
3. The petition is accompanied by another application (I.A. 19659/2025) seeking condonation of delay of 9 days in re-filing the petition.
4. In I.A. 19656/2025, it has been stated that the Award was passed on 22nd November, 2024 and was received by the petitioner on 26th November, 2024.
5. The petition under Section 34 of the Act was originally filed before the District Court of Dwarka on 24th March, 2025. However, the same was



withdrawn on 5th June, 2025, due to lack of pecuniary jurisdiction.

6. Accordingly, the petitioner seeks condonation of delay of 114 days in filing the present petition, out of which 73 days are attributable to the period when the petition was originally filed before the Dwarka Court and the date on which it was withdrawn.

7. There is no explanation given as to how the period of delay of the remaining 41 days has been calculated. In this regard, paragraph 4 of the application is set out below:

“4. That due to the circumstances beyond control of the petitioner, present petition is being filed with delay that consumed during proceeding before court below i.e. 73 days and another 12 days in filing the present petition.”

8. Counsel appearing on behalf of the respondent submits that there was already a delay of 26 days when the petition was filed before the Dwarka Court. Hence, even if the period during which the petition remained pending before the Dwarka Court is excluded, the petitioner has exceeded the maximum permissible condonable period as provided under Section 34(3) of the Act.

9. I am in agreement with the aforesaid submission. Even if the date of filing before this Court is taken to be 19th June, 2025, it would be beyond the condonable period of delay.

10. In I.A. 19659/2025 seeking condonation of delay in re-filing the petition, it is stated that the petition before this Court was filed on 19th June, 2025 on which defects were marked on 30th June, 2025, though the date of the application and the affidavit annexed thereto bears the date of 2nd August, 2025.



11. The said application filed by the petitioner does not give any details with regard to the date when the petition was re-filed after removing the defects. Even after the removal of defects, the petition has been re-filed in a belated manner. The petitioner has failed to provide any basis for the calculation of the delay of 9 days in re-filing the petition.

12. The Supreme Court in ***Union of India v. Popular Construction Co., (2001) 8 SCC 470*** and ***Simplex Infrastructure Limited v. Union of India, (2019) 2 SCC 455***, has held that the use of the words ‘but not thereafter’ in Proviso to Section 34(3) of the Act makes it clear that no extension can be given beyond the period of 30 days and an objection petition filed thereafter cannot be entertained.

13. In the present case, the petition is filed beyond the three months prescribed period of limitation as also beyond the 30-day period within which the Court has the discretion to condone the delay, on sufficient cause being shown. In light of the judgments aforementioned, this Court does not have the discretion to condone the delay after 120 days.

14. In view of the facts narrated above, the applications filed for condonation of delay cannot be condoned and the same are dismissed.

15. In view of the dismissal of the application seeking condonation of delay in filing the objections, the present petition cannot be entertained, being barred by limitation, and the same is accordingly dismissed.

16. Pending applications stand disposed of.

AMIT BANSAL, J

SEPTEMBER 15, 2025

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