



2025:DHC:9343



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P. (COMM) 375/2025**

Date of Decision: **13.10.2025****IN THE MATTER OF:**

MUNICIPAL CORPORATION OF DELHI
THROUGH ITS EXECUTIVE ENGINEER.
HAVING ITS OFFICE AT: -
DR. S.P. MUKHERJEE CIVIC CENTER,
JLN MARG, NEW DELHI- 110002.

.....Petitioner

Through: Mr. Gaganmeet Singh Sachdeva,
Standing Counsel with Mr.
Harshpreet Singh Chadha and Mr.
Hridyesh Khanna, Advs.

versus

MAFATLAL INDUSTRIES LIMITED
HDIL-KALEDONIA, OFFICE NO.3.,
6TH FLOOR, SAHAR ROAD, ANDHERI (EAST),
MUMBAI-400069.

.....Respondent

Through: Mr. D. K. Rustogi, Ms. Anjali Pandey
and Mr. Ujjwal Mishra, Advs.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV
J U D G E M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**I.A. 23210/2025 (DELAY OF 139 DAYS IN FILLING THE PETITION)**

1. The present petition is under Section 34 of the Arbitration and Conciliation Act, 1996 (*hereinafter referred to as 'the Act'*), assailing the Arbitral Award dated 25.01.2025, read with Corrigendum dated 17.03.2025.
2. Undisputedly, the present petition has been filed with a delay. Thus, the instant application has been filed seeking condonation of the said delay.

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3. Mr. Gaganmeet Singh Sachdeva, learned counsel appearing for the petitioner, submits that the Municipal Corporation of Delhi, was under a *bona fide* belief that the instant petition was filed on 15.07.2025, on the basis of the communication which was received by the erstwhile counsel who, unfortunately, has now passed away.

4. Irrefutably, it is the trite law that any delay beyond 120 days in filing an application under Section 34 of the Act cannot be condoned. The relevant extract of the aforesaid provision reads as under: -

“(3) An application for setting aside may not be made after three months have elapsed from the date on which the party making that application had received the arbitral award or, if a request had been made under section 33, from the date on which that request had been disposed of by the arbitral tribunal:

Provided that if the Court is satisfied that the applicant was prevented by sufficient cause from making the application within the said period of three months it may entertain the application within a further period of thirty days, but not thereafter.”

5. The Supreme Court in ***My Preferred Transformation & Hospitality (P) Ltd. v. Faridabad Implements (P) Ltd.***¹ while discussing the scope of the aforesaid provision, has unequivocally held that, in view of the decision in ***Union of India v. Popular Construction Co.***², the rigid language and scheme of Section 34(3) of the Act, impliedly prohibits any condonation of delay beyond the prescribed 30-day period.

6. Furthermore, this Court in the case of ***Union of India vs. M/S GR-GAWA R(J.V.)***³, reiterated that the limitation period under Section 34(3) of the Act is mandatory, strict, and inflexible, leaving no scope for relaxation once the statutory period has lapsed.

¹ (2025) 6 SCC 481

² (2001) 8 SCC 470

³ 2025:DHC:3374



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7. In the instant case, the record manifests that the impugned award is dated 25.01.2025, and the petition was initially filed by the erstwhile counsel on 04.08.2025. The three-month limitation period expired on 25.04.2025, and even allowing the maximum condonation period, the extended limitation would end on 25.05.2025. The petition filed on 04.08.2025 is therefore, 71 days beyond the permissible period, exceeding the statutory limit.

8. Thus, the filing of the instant petition is barred as being beyond the statutory limitation of 120 days.

9. Under these circumstances, the application seeking condonation of delay stands rejected.

10. Ordered Accordingly.

O.M.P. (COMM) 375/2025 and I.A. 23209/2025, I.A. 23211/2025, I.A. 23212/2025

11. Consequent to the order passed in the I.A. 23210/2025, the instant petition, along with other pending applications, also stands dismissed.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

OCTOBER 13, 2025

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