



\$-32

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P. (COMM) 527/2024 and I.A. 47481-47484/2024**

Date of Decision: **28.04.2025**

IN THE MATTER OF:

PUBLIC WORKS DEPARTMENT
THROUGH (EXECUTIVE ENGINEER),
EDUCATION MAINTENANCE DIVISION (S&SE)
UNDER OKHLA FLYOVER, MATHURA ROAD,
NEW DELHI-110065

.....Applicant

Through: Mr.S.K. Sangwan, Advocate.
versus

MIA CONSTRUCTION PRIVATE LIMITED
OFFICE- A-31 GAURAV APARTMENT,
PATPARGANJ, NEW DELHI- 110092

.....Respondent

Through: Mr.Avinash Trivedi, Mr.Anurag,
Mr.Rahul, Mr.Rhytham, Mr.Jatin and
Ms.Ritika, Advocates.

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

JUDGEMENT

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. The instant petition has been filed under Section 34 of the Arbitration and Conciliation Act, 1996 (Act of 1996), seeking for the following relief(s):-

“a) Quash and set aside the part of impugned award dated 01/02/2024 with respect to the finding and observation against the petitioner in claim no. 1.2(i), 1.2(ii), 1.2(iv), 1.4, 2.3, 4(i), 4.1, 5.1, 5.2, 7 & 8 as passed by the Ld. Arbitrator and further to allow the counter claims of the Petitioner.



b) Award costs against the Respondent and in favour of the Petitioner.”

2. The instant matter was earlier taken up on 31.01.2025. On the said date, an objection was raised by the respondents with respect to the filing dated 29.05.2024. It was contended that the filing dated 29.05.2024 is *non est* in law.

3. Therefore, in order to ascertain the same, the Court directed the Registry to place on record the complete set of documents which were presented by the petitioner on 28.05.2024. The aforesaid inquiry was necessary to consider the objection as to whether any re-filing after expiry of 120 days from the date of knowledge of the award has to be considered fresh filing rendering the application as barred by limitation.

4. Pursuant to the same, the Registry has placed on record a document consisting 10 pages, which were filed on 28.05.2024, purportedly as part of the original filing. The said aspect has been noted *vide* order dated 01.04.2025. On the said date, the Court also directed the parties to prepare a short note along with the decisions to be relied upon.

5. Thereafter, the matter was called out for hearing on 08.04.2025 and on the said date, the applicant has sought further time. On perusal of the limitation and defect information available in the Court record, it is observed that the initial filing under Section 34 was made on 29.05.2024. At that time, only 10 pages were submitted, with no service or supporting documents.

6. This was followed by a second attempt of filing on 18.08.2024, which spanned into 518 pages. However, the second filing was also mostly blank and without any requisite material particulars like affidavit, vakalatnama, arbitral award or any supporting documents. The Registry raised objections accordingly.



The third filing was made on 21.08.2024, consisting of 518 pages. However, the statement of truth still contained blanks.

7. On 03.09.2024, the fourth attempt was made, but again, the application, memorandum of parties, index, and power of attorney were not signed by the petitioners and their advocate. A fifth attempt was made on 07.09.2024, but the same issue of blanks in the statement of truth persisted.

8. Subsequently, on 13.11.2024, the sixth filing was made, wherein the Registry pointed out that blanks in the affidavit remained to be filled. On 20.11.2024, the seventh filing was made with an increased total of 575 pages, but once again, the statement of truth contained blanks. The eighth and ninth filings were made on 21.11.2024 and 04.12.2024 respectively, with the final effective date of filing recorded as 05.12.2024 and the petition being registered on 06.12.2024.

9. The filing and objection history as available in the online server of the Court is reproduced hereunder for the sake of clarity:-

REFILE DATE	DEFECTS
18-08-2024	1. EACH PAGE OF PLEADING BE SIGNED BY THE PETITIONER/PETITIONERS. BLANKS BE FILLED IN THE STATEMENT OF TRUTH. 2. PLEASE INSERT AVERMENT BEFORE THE PRAYER REGARDING COMMERCIAL DISPUTE AS PER PRACTICE DIRECTION. 3. PLEASE INSERT THE PARA OF PECUNIARY JURISDICTION WITH VALUE OR IT SHOULD BE STATED HOW THE PETITION IS MAINTAINABLE AS PER PECUNIARY JURISDICTION. 4. E-COURT FEE RECEIPT NO. BE ENTERED AT THE TIME OF FILING THE MATTER. 5. ONE-TIME PF TO BE FILED BY THE PLAINTIFF AT THE TIME OF FILING OF THE PLAINT/PETITION/SUIT AND BY THE DEFENDANT AT THE TIME OF FILING OF THE WRITTEN STATEMENT. CH-I, R-13 -VI, R-2 -2018



2025:DHC:3899



6. CERTIFICATE TO THE EFFECT THAT RELEVANT RECORD OF THE ARBITRATION PROCEEDINGS BEING THE RELEVANT PLEADINGS DOCUMENTS DEPOSITIONS ETC HAS BEEN FILED
7. CAVEAT REPORT BE OBTAINED AND AT THE TIME OF EACH SUBSEQUENT REILING AND PROOF OF SERVICE BE FILED.
8. FRESH NOTICE OF MOTION UPON COUNSEL FOR CONCERNED RESPONDANT BE FILED IF 3 DAYS HAVE ELAPSED SINCE THE DATE OF LAST SERVICE. ANY AMENMENTS DONE IN THE PETITION SHOULD ALSO BE INFORMED/SERVED TO THE OPPOSITE/CONCERNED PARTY
9. SERVICE BE MADE TO THEIR NOMINATED COUNSEL PERSONALLY / TRACKING REPORT / DELIVERY REPORT OF SPEED POST / COURIER BE ATTACHED
- 10.
11. PETITION/ APPLICATIONS/ ANNEXURES/ORDER/POWER OF ATTORNEY SHOULD BE STAMPED / COURT FEES SHORT OR MISSING
12. AFFIDAVIT BE FILED IN SUPPORT OF PETITION/APPEAL/APPLICATION AND ATTESTED/IDENTIFIED. PARENTAL DETAILS/AGE/COMPLETE ADDRESS BE GIVEN. NECESSARY AVERMENTS BE GIVEN SINCE THE AFFIDAVIT HAS BEEN SIGNED IN VERNACULAR. NO MODIFICATION IS ALLOWED. IT SHOULD BE RE-TYPED AND ATTESTED.
13. NO. OF DAYS BE GIVEN IN THE PRAYER OF DELAY APPLICATION.
14. VAKALATNAMA BE FILED / DATED AND SIGNED BY THE COUNSEL AND ALL PETITIONERS. EACH ADVOCATE MUST MENTION THEIR NAME/ ADDRESS/ ENROLMENT NO. MOBILE NUMBER/ EMAIL IN VAKALATNAMA. TITLE ON THE VAKALATNAMA BE CHECKED. WELFARE STAMP BE AFFIXED. SIGNATURE OF THE CLIENT BE IDENTIFIED.
15. STATEMENT OF TRUTH BE FILED AS PER COMMERCIAL COURTS ACT, 2015. ENTIRE PLEADINGS BE SIGNED BY THE PLAINTIFF/PETITIONER O XI- R-1(3) OF CPC (AMENDED) BY COMMERCIAL COURTS ACT, 2015 -2018
16. AN UNDERTAKING BE GIVEN BELOW INDEX THAT EACH AND EVERY PAGE OF THE PETITION/APPEAL/APPLICATION IS FILED IN OCR FORMAT
17. IN CASE OF ELECTRONIC DOCUMENTS- DECLARATION ON OATH BE FILED BY THE PARTY FOR ELECTRONIC RECORDS AS PER ORDER XI RULE VI OF CPC.
18. PETITION/ APPLICATIONS/ MOP/ INDEX/ POWER OF ATTORNEY BE SIGNED AND DATED BY PETITIONERS AND ADVOCATE
19. APPLICATION FOR CONDONATION OF DELAY IN FILING/REFILING BE FILED ALONG WITH AFFIDAVIT.
20. DESCRIPTION OF ANY OTHER DEFECTS:TOTAL 10 PAGES



2025:DHC:3899



	FILED, NO PAGE NUMBERING MENTIONED ON THE INDEX, COURT FEES BE PAID. ONE TIME PF FEES BE PAID AS PER NOTIFICATION DT 23/08/2019.NO PETITION FILED, NO AFFIDAVIT FILED, NO VAKALATNAMA FILED, NO AWARD FILED, NO DOCUMENTS FILED,UNDER OBJECTIONS.
21-08-2024	1. DOCUMENT BE MADE TRUE COPY AT THE BOTTOM OF EACH PAGE AND SIGNED. DOCUMENT NUMBER SHOULD BE MARKED PROPERLY IN THE INDEX AS WELL AS ON TOP OF THE ANNEXURE FILED WITH THE PETITION. 2. DESCRIPTION OF ANY OTHER DEFECTS:TOTAL 518 PAGES FILED, PETITION BE FILED AS PER NEW FORMAT CIRCULAR NO.21151/I/ORGINAL/DHC DT 16/12/22 IN A MANNER SIMILAR TO THOSE PERTAINING TO WRIT PETITIONS.BLANKS BE FILLED IN STATEMENT OF TRUTH,SPECIFIED PECUNIARY VALUE BE GIVEN IN THE PARA OF PECUNIARY JURISDICTION COURT FEES BE PAID. ONE TIME PF FEES BE PAID AS PER NOTIFICATION DT 23/08/2019.NO DOCUMENTS SHALL BE FILED AS ANNEXURE TO ANY PLEADING, AS PER DELHI HIGH COURT RULES ANNEXURE E (PRACTICE DIRECTIONS),18. CERTIFICATE TO THE EFFECT THAT THE RELEVANT RECORD OF THE ARBITRATION PROCEEDINGS BEING THE RELEVANT PLEADING, DOCUMENTS ETC, RELEVANT FOR DECIDING THE PETITION UNDER SECTION 34 OF THE ARBITRATION AND CONCILIATIO ACT, 1996 ARE BEING FILED ESPECIALLY ALL THE PLEADING, DOCUMENTS, ETC REFERRED IN THE ARBITRATION AWARD RELEVANT TO THE PRESENT PETITION ARE BEING FILED".3. BLANKS BE FILLED IN STATEMENT OF TRUTH 4. THE COUNSEL SHALL SPECIFICALLY INDICATE, OVER THE INDEX ACCOMPANYING THE PETITION: (I) THE DETAILS OF ANY CONNECTED PETITION OR APPEAL, ARISING OUT OF THE SAME AGREEMENT OR ARBITRAL AWARD, IF ANY" PENDING BEFORE THIS COURT. (II) THE BENCH BEFORE WHICH PETITION IS LISTED, (III) THE NEXT DATE OF HEARING IN THE CONNECTED MATTER.' AS PER PRACTICE DIRECT DT. 15TH FEBRUARY 2022.UNDER OBJECTIONS 3. DESCRIPTION OF ANY OTHER DEFECTS:TOTAL 518 PAGES FILED, OBJECTIONS DATED 20/08/2024 STILL PERSIST.
25-08-2024	
03-09-2024	1. PETITION/ APPLICATIONS/ MOP/ INDEX/ POWER OF ATTORNEY BE SIGNED AND DATED BY PETITIONERS AND ADVOCATE 2. DESCRIPTION OF ANY OTHER DEFECTS:TOTAL 518 PAGES FILED, OBJECTIONS DATED 20/08/2024 STILL PERSIST.
07-09-2024	1. DESCRIPTION OF ANY OTHER DEFECTS:TOTAL 518 PAGES FILED, OBJECTIONS DATED 20/08/2024 STILL PERSIST. (PLEASE SEE TO REGISTRY)



2025:DHC:3899



	2. DESCRIPTION OF ANY OTHER DEFECTS:TOTAL 518 PAGES FILED, PETITION BE FILED AS PER NEW FORMAT CIRCULAR NO.21151/I/ORGINAL/DHC DT 16/12/22 IN A MANNER SIMILAR TO THOSE PERTAINING TO WRIT PETITIONS,,SPECIFIED PECUNIARY VALUE BE GIVEN IN THE PARA OF PECUNIARY JURISDICTION COURT FEES BE PAID. ONE TIME PF FEES BE PAID AS PER NOTIFICATION DT 23/08/2019..NO DOCUMENTS SHALL BE FILED AS ANNEXURE TO ANY PLEADING, AS PER DELHI HIGH COURT RULES ANNEXURE E (PRACTICE DIRECTIONS),18. CERTIFICATE TO THE EFFECT THAT THE RELEVANT RECORD OF THE ARBITRATION PROCEEDINGS BEING THE RELEVANT PLEADING, DOCUMENTS ETC, RELEVANT FOR DECIDING THE PETITION UNDER SECTION 34 OF THE ARBITRATION AND CONCILIATIO ACT, 1996 ARE BEING FILED ESPECIALLY ALL THE PLEADING, DOCUMENTS, ETC REFERRED IN THE ARBITRATION AWARD RELEVANT TO THE PRESENT PETITION ARE BEING FILED" BLANKS BE FILLED IN STATEMENT OF TRUTH 4. THE COUNSEL SHALL SPECIFICALLY INDICATE, OVER THE INDEX ACCOMPANYING THE PETITION: (I) THE DETAILS OF ANY CONNECTED PETITION OR APPEAL, ARISING OUT OF THE SAME AGREEMENT OR ARBITRAL AWARD, IF ANY" PENDING BEFORE THIS COURT. (II) THE BENCH BEFORE WHICH PETITION IS LISTED, (III) THE NEXT DATE OF HEARING IN THE CONNECTED MATTER.' AS PER PRACTICE DIRECT DT. 15TH FEBRUARY 2022.OBJECTIONS PERSIST.
13-11-2024	1. BLANKS BE FILLED IN AFFIDAVIT 2. DESCRIPTION OF ANY OTHER DEFECTS:TOTAL 573 PAGES FILED,18. CERTIFICATE TO THE EFFECT ☐ THAT THE RELEVANT RECORD OF THE ARBITRATION PROCEEDINGS BEING THE RELEVANT PLEADING, DOCUMENTS ETC, RELEVANT FOR DECIDING THE PETITION UNDER SECTION 34 OF THE ARBITRATION AND CONCILIATIO ACT, 1996 ARE BEING FILED ESPECIALLY ALL THE PLEADING, DOCUMENTS, ETC REFERRED IN THE ARBITRATION AWARD RELEVANT TO THE PRESENT PETITION ARE BEING FILED" BE GIVEN IN THE PETITION.THE COUNSEL SHALL SPECIFICALLY INDICATE, OVER THE INDEX ACCOMPANYING THE PETITION: (I) THE DETAILS OF ANY CONNECTED PETITION OR APPEAL, ARISING OUT OF THE SAME AGREEMENT OR ARBITRAL AWARD, IF ANY" PENDING BEFORE THIS COURT. (II) THE BENCH BEFORE WHICH PETITION IS LISTED, (III) THE NEXT DATE OF HEARING IN THE CONNECTED MATTER.' AS PER PRACTICE DIRECT DT. 15TH FEBRUARY 2022.EMAIL ID OF EACH OF THE PARTIES BE GIVEN, PETITIONER/S AND RESPONDENTS AND ALSO OF THE COUNSEL IN THE MEMO OF PARTIES. CONDOANTION OF DELAY IN FILING BE GIVEN, OBJECITONS RAISES STILL



2025:DHC:3899



	PERSIST.
19-11-2024	
20-11-2024	1. DESCRIPTION OF ANY OTHER DEFECTS:TOTAL 575 PAGES FILED,CONDOANTION OF DELAY IN FILING BE GIVEN,BLANKS BE FILLED IN STATEMENT OF TRUTH SEE PARA 8, 1. PLEASE GIVEN COMPETE DETAILS OF THE COUNSEL AS PER CHAPTER 3 FORM OF PLEADING RULE 2 , OF THE DELHI HIGH COURT RULES 2018 AMENDED UPTO-DATE.(ENROLLEMENT NUMBER BE MENTIONED), FRESH PROOF OF SERVICE BE ATTACHED,OBJECITONS RAISES STILL PERSIST
21-11-2024	1. DESCRIPTION OF ANY OTHER DEFECTS:TOTAL 575 PAGES FILED, UNDER TAKING W.R.T. OCR BE GIVEN,PLEASE GIVEN COMPETE DETAILS OF THE COUNSEL AS PER CHAPTER 3 FORM OF PLEADING RULE 2 , OF THE DELHI HIGH COURT RULES 2018 AMENDED UP-TO-DATE.(ENROLLEMENT NUMBER BE MENTIONED), (PLEASE SEE TO REGISTRY UNDER OBJECTIONS 2. DESCRIPTION OF ANY OTHER DEFECTS:TOTAL 575 PAGES FILED,PLEASE GIVEN COMPETE DETAILS OF THE COUNSEL AS PER CHAPTER 3 FORM OF PLEADING RULE 2 , OF THE DELHI HIGH COURT RULES 2018 AMENDED UPTO-DATE.(ENROLLEMENT NUMBER BE MENTIONED), (PLEASE SEE TO REGISTRY UNDER OBJECTIONS
04-12-2024	1. DESCRIPTION OF ANY OTHER DEFECTS:TOTAL 575 PAGES FILED, (PLEASE SEE TO REGISTRY UNDER OBJECTIONS)
05-12-2024	1. DESCRIPTION OF ANY OTHER DEFECTS:TOTAL 575 PAGES FILED, PARTY NAME BE CORRECTLY TYPED AT THE TIME OF FILING AND IN THE PETITION AS PER THE MEMO OF PARTIES,UNDER OBJECTIONS PLEASE SEE TO REGISTRY
05-12-2024	

10. Furthermore, upon the perusal of 10 pages which were initially filed, it is seen that the first four pages are indexes, the fifth page is an urgent application proforma, the sixth page is the notice of motion, seventh page is the memo of parties and the ninth page is interlocutory applications index. Neither the impugned arbitral award was annexed as part of the application nor the procedural compliances were made.

11. To put it precisely, the entire exercise of the first filing appears to have



been done in a perfunctory manner, with an intent to stop the clock of limitation.

12. For the sake of clarity, all the said ten pages are attached as **Annexure A** to this judgment, which shall be treated to be an integral part of the decision.

13. Needless to state that issue regarding the factors to be considered for *non-est* filing is no longer *res integra*. The Full Bench of this Court in the case of **Pragati Construction Consultants vs. Union of India & Anr.**¹, after extensive analysis of the statutory framework and precedents, categorically observed that the filing of the impugned arbitral award along with an application under Section 34 of the Act of 1996 is not merely a procedural formality but constitutes an essential and mandatory prerequisite. In the said decision, it was noted that the absence of the arbitral award renders such an application legally non-existent, thereby incapable of initiation of valid judicial proceedings. Referring to a catena of decisions, the principle that the non-filing of the award with the Section 34 petition is fatal and not curable by subsequent rectification, was reiterated and affirmed by the Court. The relevant portion of the said decision reads as under:-

“59. In our opinion, none of the above conditions can be satisfied unless the Arbitral Award under challenge is placed before the court. Therefore, filing of the Arbitral Award under challenge along with the application under Section 34 of the A&C Act is not a mere procedural formality, but an essential requirement. Non-filing of the same would, therefore, make the application “non est” in the eyes of the law.

60. In fact, we find that this Court has almost consistently held that non-filing of the Arbitral Award would make the petition “non est”. Reference in this regard may be made to : SKS Power Generation (Chhattisgarh) Ltd. case²⁵, SPML Infra Ltd. v. Graphite India Ltd.³⁵, Air India Ltd. case, Reacon Engineers (India) (P) Ltd. case, Executive Engineer National Highway Division v. S&P Infrastructure Developers (P) Ltd., ITDC v. Bajaj Electricals Ltd., NHAI v. KNR Constructions Ltd., Brahmaputra Cracker

¹ FAO(OS) (COMM) 70/2024



2025:DHC:3899



and Polymer Ltd. case26, Union of India v. Panacea Biotec Ltd., DDA v. Gammon Engineers & Contractors (P) Ltd., Container Corpn. of India Ltd. v. Shivhare Road Lines, and Good Health Agro Tech (P) Ltd. v. Haldiram Snacks (P) Ltd.”

14. While balancing procedural compliance with the substantive rights of the parties, and bearing in mind that the Act of 1996 provides no appellate remedy other than a challenge under Section 34, the Court is of the considered view that the right to assail an award under Section 34 ought not to be defeated on mere technicalities. A liberal and purposive approach is therefore warranted in assessing whether a particular filing is to be treated as *non est*. The Court is conscious that curable procedural irregularities, such as the absence of signatures on each page, deficiencies in the affidavit or verification, or other minor lapses, by themselves, would not vitiate the filing.

15. However, where such defects, viewed cumulatively, reveal that the filing was made merely to arrest the limitation clock, without any *bona fide* intent to pursue the challenge with diligence, and with the underlying object of circumventing the statutory timelines, the Court is well within its jurisdiction to treat such a filing as *non est*, based on a fact-specific inquiry.

16. In the instant case, the ten pages which appear to have been placed on record by the petitioner on 29.05.2024, by no steps of imagination can be considered to be a mere irregular filing. Firstly, this filing itself does not contain a copy of arbitral award. It does not even mention the prayer. The ten pages do not appear to have been sent or supported by the formal affidavit of any of the parties. They are only proforma/template documents. Such incomplete filing in no circumstance can be considered be as valid pleadings. In absence of the aforesaid mandatory requirement, the filing will have to be treated as *non est* in the eyes of law.



17. Taking into consideration almost similar circumstances, the Court *vide* judgment in ***Union of India vs M/S Gr-Gawa R(J.V.)***² has also taken the following position:-

“14. The applicant made the first attempt of rectification only on 17.01.2025, and eventually rectified all defects by 20.01.2025. It is apparent that prior to 17.01.2025, the application was devoid of the mandatory document, namely, the copy of the impugned arbitral award, along with various other defects such as non-filing of the memo of parties, leaving of blanks in the affidavit, the pages of the application being unsigned contrary to the mandate of Commercial Courts Act, the various important documents not being annexed to the application, constituting serious defects.

15. Upon perusal of the final filing dated 20.01.2025, it is seen that the application in its entirety spans over 6,677 pages. Juxtaposed against the initial filing, which contained merely 146 pages. It is manifestly evident that the original filing was little more than a perfunctory exercise, undertaken solely to arrest the progression of the statutory limitation period. The substantial disparity between the initial and subsequent filings unequivocally points towards an attempt by the applicant to circumvent the rigours of limitation by filing a skeletal document, bereft of essential pleadings and requisite annexures. Such an exercise, being an evident eyewash, cannot be countenanced in law as a bona fide filing aimed at instituting proceedings under Section 34 of Act of 1996.”

18. In view of the aforesaid, since the Award admittedly came to the knowledge of the petitioner on 03.02.2024, the period of limitation under Section 34(3) of the Act of 1996 for challenging the award expired on 03.05.2024. Even assuming the petitioner was to seek condonation of delay by invoking the proviso to Section 34(3), the extended period of 30 days would have expired on 02.06.2024. As the present petition has been validly filed only on 05.12.2024, well beyond both the statutory period of limitation and the outer limit for condonation, therefore, the same is clearly barred by limitation and is liable to be rejected on that ground alone.

19. Furthermore, in the aforementioned ***M/S Gr-Gawa R(J.V.)***, reference was also

² 2025:DHC:3374



2025:DHC:3899



made to the Delhi High Court Rules and the Delhi High Court (Original Side) Rules 2018, wherein certain timelines and procedure for listing of defectively filed documents is noted.

20. With the aforesaid observations, the instant petition stands dismissed along with all pending applications.

PURUSHAINDR KUMAR KAURAV, J

APRIL 28, 2025

Nc/sp

Click here to check corrigendum, if any



ANNEXURE-A

**INTHEHIGHCOURTOFDELHIATNEWDELHI
(ORINARYORIGINALCIVILJURISDICTION) OMP
(COMM.) NO. _____ OF 2024**

INTHEMATTER OF:

PUBLIC WORKS DEPARTMENT

.....PETITIONER

VERSUS

MIA CONSTRUCTION PVT LTD.

... RESPONDENT

INDEX 1

S.NO	PARTICULARS	COURT FEES	PAGES
1.	URGENT APPLICATION		
2.	NOTICE OF MOTION WITH PROOF OF SERVICE		
3.	COURT FEES		
4.	CERTIFICATE		
5.	COURT FEE FOR PROCESS FEE		
6.	LIST OF DATES AND EVENTS		
7.	MEMO OF PARTIES		
8.	OMP(COMM.) FORMAT		
9.	PETITION UNDER SECTION 34 OF THE ARBITRATION AND CONCILIATION ACT FOR SETTING ASIDE /QUASHING THE AWARD DATED 01/02/2024.		



2025:DHC:3899



10.	STATEMENT OF TRUTH ONBEHALF OF THE PETITIONER		
11.	SECTION65-B CERTIFICATE UNDER THE INDIAN EVIDENCE ACT, 1872.		

NEWDELHI

DATE: 28/05/2024

Petitioner

Through

**SUNIL KUMAR
(ADVOCATE)**

IN THE HIGH COURT OF DELHI AT NEW DELHI

(ORINARY ORIGINALCIVIL JURISDICTION)

OMP (COMM.) NO. _____OF2024

IN THE MATTER OF:



PUBLIC WORKS DEPARTMENT

.....PETITIONER

VERSUS

MIA CONSTRUCTION PVT LTD.

... RESPONDENT

INDEXII

S.NO	PARTICULARS	COURT FEES	PAGES
1.	APPLICATION UNDER SECTION 36(2) & (3) OF THE ARBITRATION & CONCILIATION ACT, READ WITH SECTION 151 CPC SEEKING AD-INTERIM EX PARTE STAY ALONGWITH AFFIDAVIT IN SUPPORT		
2.	APPLICATION UNDER SECTION 151 SEEKING EXEMPTION FROM FILING ORIGINAL DOCUMENTS AND LEGIBLE COPIES OF SOME DOCUMENTS ALONGWITH AFFIDAVIT IN SUPPORT		

NEWDELHI

DATE: 28/05/2024

Petitioner

Through

SUNILKUMAR
(ADVOCATE)

CH.807, LAWYERS CHAMBER,
DWARKA COURTS, NEW DELHI
PH. NO. 9810699132

Email:advocatesunilsangwan@gmail.com



IN THE HIGH COURT OF DELHI AT NEW DELHI
(ORDINARY ORIGINAL CIVIL JURISDICTION) OMP
(COMM.) NO. _____ OF 2024

IN THE MATTER OF:

PUBLIC WORKS DEPARTMENT

.... PETITIONER

VERSUS

MIA CONSTRUCTION PVT LTD.

.... RESPONDENT

INDEX III

S.NO	PARTICULARS	COURT FEES	PAGES
1.	VAKALATNAMA		
2.	AUTHORITY TO FILE		

NEW DELHI

DATE: 28/05/2024

Petitioner

Through

SUNIL KUMAR (ADVOCATE)
CH.807, LAWYERS CHAMBER,
DWARKA COURTS, NEW DELHI
PH. NO. 9810699132

Email: advocatesunilsangwan@gmail.com

IN THE HIGH COURT OF DELHI AT NEW DELHI
(ORDINARY ORIGINAL CIVIL JURISDICTION)



OMP (COMM.) NO. _____ OF 2024

IN THE MATTER OF:

PUBLIC WORKS DEPARTMENTPETITIONER

VERSUS

MIA CONSTRUCTION PVT LTD.RESPONDENT

URGENT APPLICATION

To,
The Registrar
High Court of Delhi New
Delhi

Sir,

Kindly treat the accompanied petition and application as urgent in accordance with High Court Rules and Orders.

Grounds of urgency are as prayed for.

Stay of the enforcement of the impugned award dated 01/02/2024 is prayed for.

NEW DELHI
DATE: 28/05/2024

Through Petitioner

SUNIL KUMAR (ADVOCATE)
CH.807, LAWYERS CHAMBER,
DWARKA COURTS, NEW DELHI

IN THE HIGH COURT OF DELHI AT NEW DELHI



**(ORINARY ORIGINAL CIVIL JURISDICTION) OMP
(COMM.) NO. _____ OF 2024**

IN THE MATTER OF:

PUBLIC WORKS DEPARTMENT

....PETITIONER

VERSUS

MIA CONSTRUCTION PVT LTD.

....RESPONDENT

NOTICE OF MOTION

Sir

The enclosed petition is being filed on behalf of the Petitioner and may be listed on MAY 2024 or any day thereafter. Please take notice accordingly.

NEW DELHI
DATE: 28/05/2024

Petitioner

Through

SUNIL KUMAR (ADVOCATE)
CH. 807, LAWYERS CHAMBER,
DWARKA COURTS, NEW DELHI
PH. NO. 9810699132

Email: advocatesunilsangwan@gmail.com

IN THE HIGH COURT OF DELHI AT NEW DELHI

(ORINARY ORIGINAL CIVIL JURISDICTION)

OMP (COMM.) NO. _____ OF 2024



IN THE MATTER OF:

PUBLIC WORKS DEPARTMENT

....PETITIONER

VERSUS

MIA CONSTRUCTION PVT LTD.

....RESPONDENT

MEMO OF PARTIES

PUBLIC WORKS DEPARTMENT (GNCTD)

Through

Executive Engineer,

Education Maintenance Division (S&SE) Under

Okhla Flyover, Mathura Road , New Delhi-

110065

Ph.No.011-26928300,21810023

Email: eespwddelhiedm@gmail.com

.....PETITIONER

VERSUS

MIA Construction Private Limited

Office- A-31 Gaurav Apartment,

Patparganj, New Delhi-110092

.....RESPONDENT



2025:DHC:3899



NEW DELHI
Dated: 28/05/2024

Filed by

SUNIL KUMAR
(PANELADVOCATE)

CH.807, LAWYERS CHAMBER,
DWARKA COURTS, NEW DELHI
PH. NO. 9810699132

Email: advocatesunilsangwan@gmail.com



INTHEHIGHCOURTOFDELHIATNEWDELHI
(ORINARY ORIGINAL CIVIL JURISDICTION)

OMP (COMM.) NO. _____ OF 2023

INTHEMATTER OF:

PUBLIC WORKS DEPARTMENT

....PETITIONER

VERSUS

MIA CONSTRUCTION PVT LTD.

....RESPONDENT

NATURE OF MATTER: ARBITRATION

SECTION INVOKED: Section 34 of Arbitration & Conciliation Act, 1996.

INTERLOCUTORY APPLICATIONS (IA)

S. No.	YEAR	FILED BY	PROVISIONS OF LAW	NATUREOFRELIEF
1	2024	PETITIONER	Section36(2)& 36(3) Arb. & Conc. Act, 1996.	EX PARTE AD INTERIM INJUNCTION
2	2024	PETITIONER	Section 65 of the Evidence Act.	FILING ELECTRONIC EVIDENCE
3	2024	PETITIONER	Section151 CPC	EXEMPTION FROM FILING ORIGINAL/LEGIBLE DOCUMENTS



NEW DELHI
Dated: 28/05/2024

FILED THROUGH:

PETITIONER

SUNIL

KUMAR
(PANELADVOCATE)
CH. 807, LAWYERS CHAMBER,
DWARKA COURTS, NEWDELHI
PH. NO:- 9810699132
Email: advocatesunilsangwan@gmail.com