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

+ O.M.P. (COMM) 532/2025, I.A. 31047/2025, I.A. 31048/2025, I.A. 31049/2025 & I.A. 31050/2025

PUBLIC WORKS DEPARTMENT

.....Petitioner

Through: Ms. Avni Singh and Mr. Vaibhav Sharma, Advocates.

Mr. Harpinder Singh, E.E., PWD.

Mr. Yashwant Sharma, AE, PWD.

versus

Y D BUILDERS AND HOTELS PVT LTDRespondent

Through: Advocate (*appearance not given*)

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **11.12.2025**

1. The present petition has been filed under Section 34 of the Arbitration and Conciliation Act, 1996 ('Act'), seeking setting aside of the Award dated 30th November, 2022.
2. The petition is accompanied by an application, *i.e.* I.A. 31049/2025 seeking condonation of delay of 646 days in filing the present petition.
3. The undisputed facts in the present case are that the Arbitral Award in question was passed on 30th November, 2022. The petitioner filed objections under Section 34 of the Act for setting aside the impugned award on 13th March, 2023 before the Commercial Courts at Rohini, Delhi. However, *vide* order dated 18th January, 2024, the petition was returned by the Commercial Court, Rohini to be filed in the court having pecuniary jurisdiction.

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4. After the return of the petition, the present petition has been filed before this Court on 31st October, 2025. The petitioner has given various reasons for delay in filing the present petition in the application.

5. At the outset, it was put to the counsel for the petitioner that even if the benefit of Section 14 of the Limitation Act is to be given to the petitioner, the present petition has been filed beyond the maximum condonable period of delay of 120 days under Section 34 of the Act, counted from the date of return of the petition by the Commercial Court, Rohini on 18th January, 2025.

6. The submission of the counsel for the petitioner is that for the purposes of Section 14 of the Limitation Act, the entire period including the period during which the petition remained pending before another court as well as the period till the fresh petition was filed, would have to be excluded. She placed reliance on the judgment of the Coordinate Bench in **NHPC Limited v. BGS-SGS-SOMA JV** [OMP(COMM) 23/2020].

7. I have gone through the judgment in **NHPC v. BGS-SGS-SOMA**. In the said judgment, the petitioner filed a petition Section 34 of the Act challenging the Arbitral Award dated 26th August, 2016 which was corrected on 4th October, 2016 before the Commercial Court, Gurugram ('Gurugram Court'), within the period of limitation. The Gurugram Court *vide* order dated 21st December, 2021 directed return of the petition, to be presented before a competent court in Delhi. The said order was challenged before the High Court of Punjab & Haryana and was allowed. However, the Supreme Court by order dated 10th December, 2019, set aside the High Court's order and directed the petitioner to present the original petition before the competent courts at New Delhi. Thereafter, the Gurugram Court returned the



original petition on 21st December, 2019, pursuant to which the petitioner filed the Section 34 petition before this Court on 8th January, 2020. In essence, the matter remained pending before one court or the other from the date it was filed in Gurugram Court till the date it was filed before this Court.

8. This is not the situation in the present case. The present petition was filed by the petitioner in Commercial Courts at Rohini on 13th March, 2023 which was returned to the petitioner *vide* order passed on 18th January, 2024, to be filed in a Court having competent jurisdiction. Admittedly, neither the aforesaid order was challenged by the petitioner nor any other legal remedies were invoked. Therefore, it cannot be stated that the present petition remained pending before any court during the period between 18th January, 2024 till the date on which the present petition was filed, *i.e.* 31st October, 2025.

9. Counsel appearing on behalf of the respondent has drawn attention of the Court to the explanation provided in Section 14 of the Limitation Act, which is set out below:

“14. Exclusion of time of proceeding bona fide in court without jurisdiction.-

(2) In computing the period of limitation for any application, the time during which the applicant has been prosecuting with due diligence another civil proceeding, whether in a court of first instance or of appeal or revision, against the same party for the same relief shall be excluded, where such proceeding is prosecuted in good faith in a court which, from defect of jurisdiction or other cause of a like nature, is unable to entertain it.

Explanation.- For the purposes of this section,-

(a) in excluding the time during which a former civil proceeding



***was pending, the day on which that proceeding was instituted
and the day on which it ended shall both be counted;..”***

[emphasis supplied]

10. A reading of the aforesaid explanation makes it abundantly clear that the time which has to be excluded for the purposes of Section 14 would be the day on which the proceeding before a wrong forum was instituted and the day on which it ended. Section 14 cannot be given an extended scope to cover a period during which the petitioner did not file a petition before the competent court even after it had been returned by the wrong forum.

11. Hence, there is no merit in the application.

12. Consequently, the petition filed under Section 34 of the Act, along with I.A. 31049/2025, stands dismissed.

13. All pending applications stand disposed of as such.

AMIT BANSAL, J

DECEMBER 11, 2025

Vivek/-