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

+ **FAO(OS) (COMM) 16/2025**

M/S SEERVI CONSTRUCTION CORPORATIONAppellant

Through: Mr. Sanjeev Anand, SSC with
Mr. Bepin Kr. & Mr. Bhola
Dagar, Advs.

versus

**THE HARYANA STATE KARAMCHARI CO-OP G/H
SOCIETY LTDRespondent**

Through: None.

**CORAM:
HON'BLE MR. JUSTICE YASHWANT VARMA
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

**ORDER
23.01.2025**

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CM APPL. 4392/2025 (Ex.)

Allowed, subject to all just exceptions.

The application is disposed of.

FAO(OS) (COMM) 16/2025

1. The instant appeal is directed against the judgment rendered by the learned Single Judge on 05 November 2024 in terms of which an application for condonation of the refiling delay has come to be allowed. That application had been moved in the context of a petition under Section 34 of the Arbitration and Conciliation Act, 1996.
2. The learned Single Judge has noted that the petition under Section 34 had been filed within 90 days of the communication of the Award. It is also not the case of the appellant that the filing as initially done, was *non est*.
3. In view of the aforesaid, we find no justification to interfere



with the exercise of discretion by the learned Single Judge.

4. The appeal fails and shall stand dismissed.

YASHWANT VARMA, J.

HARISH VAIDYANATHAN SHANKAR, J.

JANUARY 23, 2025/v