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

+ **FAO(OS) (COMM) 19/2025**

GOVT OF NCT OF DELHI

.....Appellant

Through: Mr. Karn Bhardwaj, ASC
(GNCTD) with Mr. Shubham
Singh, Mr. Rajat Gaba, Mr.
Saurabh Dahiya and Mr. Vijay
Kumar Dubey, Advs.

versus

M/S RKMT BUILDCON PVT LTD

.....Respondent

Through: Mr. Sanjay Bansal, Adv.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

ORDER

03.02.2025

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CM APPL. 6437/2025 (EX.)

Allowed, subject to all just exceptions.

The application shall stand disposed of.

FAO(OS) (COMM) 19/2025

1. The instant appeal is preferred against the order dated 19 November 2024 pursuant to which the application seeking condonation of delay which occurred in the filing of the petition under Section 34 of the Arbitration and Conciliation Act, 1996 [“Act”], has come to be dismissed by the learned Single Judge.

2. Admittedly, the Award was received by the appellant on 29 December 2023. However, and as per the averments made in this appeal, the appellants had initially approached the District Judge, Commercial Court, (South), New Delhi on 24 April 2024. That petition was ultimately withdrawn on 09 October 2024 and thereafter



a petition under Section 34 came to be presented before this Court on 08 November 2024.

3. Notwithstanding what has weighed upon the learned Single Judge in dismissing the application for condonation, we note that the maximum period of 120 days when computed from 29 December 2023 would have come to an end on 27 April 2024. The petition before the Commercial Court was filed just three days prior to the expiry of the aforesaid period on 24 April 2024.

4. Post withdrawal of the petition before the Commercial Court, admittedly the petition before this Court was presented only on 08 November 2024.

5. Since it is manifest that even if we were to extend the benefit of Section 14 of the Limitation Act, 1963, the filing before this Court was beyond the maximum period prescribed under Section 34(3) of the Act, we find no justification to interfere with the view expressed by the Learned Single Judge.

6. The appeal fails and shall stand dismissed.

YASHWANT VARMA, J.

HARISH VAIDYANATHAN SHANKAR, J.
FEBRUARY 03, 2025/nd