

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
(Commercial Division)

AP-COM/454/2025

MAACHINNAMASTIKA PROJECT PVT LTD.
VS
SREI EQUIPMENT FINANCE LIMITED

BEFORE:

The Hon'ble JUSTICE GAURANG KANTH

Date : 7th January, 2026.

Appearance

Mr. Aniruddha Poddar, Adv.

Ms. Neelina Chatterjee, Adv.

Ms. Sudha Singh, Adv.

...for the petitioner

Mr. Swatarup Banerjee, Sr. Adv.

Mr. Sariful Haque, Adv.

Mr. Rajib Mullick, Adv.

Ms. Sonia Mukherjee, Adv.

...for the respondent

The Court: The Petitioner has preferred the present petition under Section 34 of the Arbitration and Conciliation Act, 1996, challenging the arbitral award dated 25.04.2024. The petition has been instituted on 09.06.2025, i.e., much beyond the period of limitation prescribed under the Act.

Learned Counsel for the Petitioner contends that the Petitioner had not received a copy of the arbitral award. It is averred in the body of the petition that one Mr. Ajay Pandey had received the award, which was not communicated to the Petitioner. It is further stated that the said Mr. Ajay Pandey was a seasonal worker in the Petitioner's office and failed to inform the Petitioner about receipt of the award. However, no affidavit of the said Mr. Ajay Pandey has been filed in

support of this contention, nor has any material been placed on record to substantiate the same. A bald assertion in the petition, unsupported by any affidavit or documentary evidence, is insufficient to establish non-receipt of the award by the Petitioner. It is further contended that the Petitioner became aware of the award only upon the filing of the execution petition on 28.02.2025.

Per contra, learned Counsel for the Respondent submits that this Court, by order dated 25.08.2022, appointed Mr. Siddhartha Mitra as the learned Sole Arbitrator to adjudicate the disputes between the parties. It is further submitted that the Petitioner had actively participated in the arbitral proceedings and that the award in question is a contested award. Learned Counsel draws the attention of this Court to the fact that the award dated 25.04.2024 was duly dispatched by the learned Arbitrator to the Petitioner by post on 26.04.2024 and was received by the Petitioner on 01.05.2024. In support thereof, a copy of the arbitral award along with the communication evidencing dispatch and receipt has been produced and is taken on record.

It is well settled that the time limit prescribed under Section 34(3) of the Arbitration and Conciliation Act, 1996 is mandatory in nature. The Court has no power or jurisdiction to condone any delay beyond the maximum period of three months plus the further condonable period of thirty days. Once the outer limit of one hundred and twenty days from the date of receipt of the arbitral award expires, the Court becomes functus officio and is denuded of any authority to entertain an application under Section 34, irrespective of the

sufficiency or otherwise of the cause shown. Any petition filed beyond the said statutory period is liable to be dismissed as barred by limitation, without entering into the merits of the challenge to the arbitral award.

In the present case, even assuming that the benefit of the additional condonable period of thirty days is granted, the same has long since expired.

In view of the aforesaid facts and materials on record, it is evident that the present petition is barred by limitation. This Court, therefore, lacks jurisdiction to entertain the petition. Consequently, the present petition is not maintainable and is accordingly dismissed.

(GAURANG KANTH, J.)