



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

916 ARBITRATION APPEAL NO. 100 OF 2025

National Highways Authority Of India PIU, Nanded Thru. Its Project Director
Swapnil Kasar

VERSUS

Harishchandra Venkatrao Birle And Ors.

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Advocate for Appellant : Mr. S. J. Rahate h/f Mr. Deshmukh Vaibhav
Purushottam, Kulkarni Laxman M.

Advocate for Respondent No.1 : Mr. Shashikiran N. Patil h/f Mr. N. S. Birajdar
Advocate for Respondent No.2 : Mr. Mr. N. T. Tribhuwan

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**WITH
CIVIL APPLICATION NO. 13165 OF 2025
IN ARBA/100/2025**

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CORAM : ARUN R. PEDNEKER, J.

Dated : April 01, 2026

PER COURT :

1. Heard.

2. By the present appeal, the appellant challenges the order dated 21/01/2025 passed by the learned Principal District Judge, whereby the application for condonation of delay in filing an application under Section 34 of the Arbitration and Conciliation Act was rejected.

3. The learned counsel for the appellant submits that, after the passing of the award dated 23/05/2023, the appellant sought legal opinion from its panel advocates as to whether the arbitral award could be challenged. Upon receipt of such opinion, the appellant was required to obtain permission from the higher authorities to initiate the challenge. Some time was consumed in

obtaining such approval, resulting in a delay of 24 days in filing the application under Section 34 of the Act.

4. It is submitted that the learned District Judge erroneously proceeded on the basis that there was a delay of five months in filing the application under Section 34 and, on that ground, rejected the application for condonation of delay. In fact, the application was filed within 120 days from the date of the award, and the actual delay was only 24 days.

5. The learned counsel for the respondent however, submits that the Court also took into consideration the laches and delays on the part of the appellant while pursuing the delay condonation application.

6. Considered the submissions and perused the record. It appears that the learned District Judge was under an erroneous impression that there was a delay of five months. The arbitral award is dated 23/05/2023, and the application under Section 34 was filed on 21/09/2023, i.e., within 120 days from the date of the award. Thus, the delay in filing the application was only 24 days. The Court proceeded on an incorrect presumption that the delay was beyond the permissible period and, therefore, dismissed the application.

7. Having considered the grounds raised in the application, and in view

of the fact that the delay is only of 24 days and the application has been filed within the outer limit of 120 days, the delay deserves to be condoned.

8. Accordingly, the delay is condoned, and the matter is remitted back to the learned District Court to decide the application under Section 34 on its own merits. The same shall be decided within a period of three months from the date of receipt of this order.

9. In view of the above, the appeal is allowed and disposed of. Pending Civil Application is disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.