

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

ARBITRATION PETITION NO. 625 OF 2025

Devyani Phosphates Pvt Ltd

...Petitioner

Versus

Rashtriya Chhemical And Fertilizers Ltd

...Respondent

*Mr. Ravindra Chile i/b Mr. Prashant Nakati, for the Petitioner.
Mr. Sheroy Bodhanwalla a/w Ms. Sayali Puri, Mr. Akash Singh, Mr. Shreyas
Thakur i/b M/s Bodhanwalla & Co., for the Respondent.*

CORAM : SHARMILA U. DESHMUKH, J.

DATE : March 12, 2026

P. C. :

1. Preliminary objection has been raised by learned counsel for the Respondent that the impugned Award was passed on 11th March, 2019 and has been challenged under Section 34 of the Arbitration and Conciliation Act, 1996 (Arbitration Act) in the year 2025 which is hopelessly barred by limitation.
2. Learned counsel for the Respondent submits that the Petitioner was aware of the institution of the arbitration proceedings and had participated in the proceedings, and thereafter, in 2018 abandoned the proceedings. He would further submit that the contention that the

Petitioner became aware of the Award only upon receipt of notice in execution of 3rd April, 2025 and upon application for certified copy which was received on 6th May, 2025 is belied from Exhibit A to the Petition which is the copy of impugned Award and is not the certified copy of the Award.

3. Learned counsel for the Petitioner would submit that the Petitioner had not received the signed copy of the impugned Award and only after the notice of execution was received that an application was made for certified copy with the Commercial Court, Udaipur and the copy was received subsequently.

4. Exhibit A to the present petition is the impugned Award dated 11th March, 2019. The said Award is not the certified copy as claimed to have been received by the Petitioner from the Commercial Court, Udaipur. There is no application placed on record purported to have been made for the certified copy of the arbitration Award. Reliance placed on page 137 of the arbitration petition which is a communication claiming to have been addressed by the Petitioner to the arbitrary tribunal is not supported by any proof of dispatch or delivery. Learned counsel for the Petitioner is unable to advance any explanation to Exhibit 'A'. The only conclusion is that the Impugned Award was duly received under Section 31(5) of Arbitration Act.

5. The present petition having been filed beyond prescribed period

of limitation cannot be entertained and is hereby dismissed.

[SHARMILA U. DESHMUKH, J.]