



WEB COPY

A No. 1895 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 12-06-2026**

CORAM

**THE HON'BLE MR.JUSTICE K.KUMARESH BABU**

**A No. 1895 of 2026**

**in Arb.O.P.(Com.Div.) Filing No. 60342 of 2026**

1. Union of India  
Rep. by General Manager,  
Southern Railway,  
Park Town, Chennai -3
2. Senior Divisional Engineer (Co-ordination)  
Tiruchirapalli Division,  
Southern Railway,  
Trichy - 621 001.

..Applicant(s)

Vs

M/s.Obul Reddy Constructions,  
Rep by its Managing Partner,  
Mr.O.Subba Reddy,  
Chinnakesampalli (Village and Post),  
Badvel municipality, Kadapa District,  
Andra Pradesh - 516 227.

..Respondent(s)

**Prayer** This application filed to condone the delay of 30 days beyond the 90 days limitation period in filing the present Arb.O.P.D.No.60342 of 2026.

For Applicant(s): Mr. A.R.Sakthivel

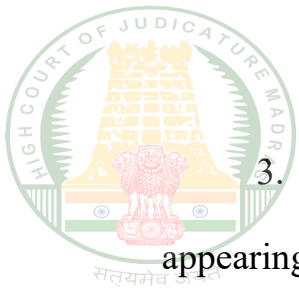
For Respondent(s): Mr.Amalaraj



## ORDER

The present application had been filed to condone the delay of 30 days in instituting the arbitration petition. It is the case of the claimant that the award came to be passed on 24.08.2025 and was received by the petitioner on 28.08.2025 and that the 120 days period of limitation has expired on 26.05.2026, which fell on the vacation and therefore, a petition had been filed on 02.06.2026 and therefore, the delay of 30 days beyond the period of 90 days as envisaged under Section 34(s) is well within the statutory period and hence, seeks this Court's indulgence to condone the period of 30 days in filing the O.P.

2. However, countering his arguments, Mr. Amalraj, learned counsel appearing on behalf of the respondent, relying upon the judgment of the Hon'ble Apex Court, would submit that the benefit of Section 4 of the Limitation Act cannot be made applicable to the facts of the present case. He heavily relied upon the judgments of the Hon'ble Apex Court in *My Preferred Transformation & Hospitality (P) Ltd. v. Faridabad Implements (P) Ltd.* reported in (2025) 6 SCC 481 and *Bhimashankar Sahakari Sakkare Karkhane Niyamita -vs- Walchandnagar Industries Ltd. (WIL)* reported in (2023) 8 SCC 453 in that regard.



3. I have considered the submissions made by the learned counsel appearing on either side.

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4. The issue in filing of an application beyond first day of reopening of the Court in which the period of limitation expired during the Court vacation is no longer *res integra*. The judgment of the Hon'ble Apex Court referred to by the learned counsel appearing for the respondent had dealt with the same and have categorically held that such an exclusion be available when other statute is not available to the proceedings under the Arbitration and Conciliation Act.

5. Admittedly, the present O.P. had been filed beyond 120 days as provided under Arbitration and Conciliation Act and hence, I do not find any merits on this application.

6. Accordingly, the application stands dismissed. No order as to costs.

**12-06-2026**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No  
*Maya*



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**K.KUMARESH BABU, J.**

*Maya*

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