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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**FAO-4744-2025 (O&M)
Date of decision: 05.02.2026**

**SUPERINTENDING ENGINEER, NATIONAL HIGHWAY CIRCLE,
PWD (B&R), JIND**

...Appellant(s)

VERSUS

M/S MEHTA CONSTRUCTION COMPANY AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

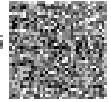
Present:- Mr. Udit Garg, Addl. A.G., Haryana.

JASGURPREET SINGH PURI, J. (Oral)

CM-15218-CII-2025

1. The present application has been filed under Section 5 of the Limitation Act, 1963, for condonation of delay of 332 days in filing the present appeal under Section 37 of the Arbitration and Conciliation Act, 1996.

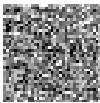
2. Mr. Udit Garg, Addl. A.G., Haryana submitted that along with the main appeal, an application has been filed supported by an affidavit but the reasons for the delay were not very clear from the said application and therefore, an additional affidavit dated 28.01.2026 has been filed by the Superintending Engineer, National Highway Circle, PWD (B&R), Jind providing detailed reasons as to how the aforesaid delay occurred in the present case. He further submitted that although the delay occurred due to inter-departmental communications and also for seeking legal opinions at various



levels, but the same was unintentional and *bona fide* and therefore, the aforesaid delay may be condoned.

3. I have heard the learned counsel for the applicant-appellant and also perused the present application as well as the aforesaid additional affidavit dated 28.01.2026.

4. The main appeal along with which the present application under Section 5 of the Limitation Act has been filed is an appeal under Section 37 of the Arbitration and Conciliation Act, 1996. There has been a huge delay of 332 days in filing the present appeal. A perusal of the aforesaid additional affidavit, on which the learned State counsel has relied upon, would show that the delay has been caused purely on account of administrative and procedural formalities, including inter-departmental communications. The argument raised by the learned State counsel was that the delay was *bona fide* and there was no *mala fide* intention on the part of the State in this regard. However, this Court is of the considered view that for the purpose of maintaining an application under Section 5 of the Limitation Act, the applicant-appellant is required to show sufficient cause. It is a settled law that administrative or procedural inter-departmental communications do not constitute sufficient cause, especially when the applicant-appellant is the State, on whom rather more duties are cast to act in a prudent and diligent manner. Such kind of administrative movement of files through internal notings etc., which is so stated in the additional affidavit, does not constitute sufficient cause within the ambit of Section 5 of the Limitation Act. Apart from the above, had the delay been lesser, this Court would have considered the matter from a different perspective but the delay in



the present case is a huge delay of 332 days, especially when the subject matter pertains to arbitration.

5. In view of the aforesaid facts and circumstances, this Court is of the considered view that the reasoning given in the additional affidavit does not constitute sufficient cause and therefore, the aforesaid delay cannot be condoned.

6. Consequently, finding no merit in the present application, the same is hereby dismissed.

7. Since the application filed under Section 5 of the Limitation Act seeking condonation of delay of 332 days in filing the appeal is dismissed, the main appeal bearing No.FAO-4744-2025 also stands dismissed.

8. A copy of the present order be sent to the Additional Chief Secretary of the State of Haryana in the Department of PWD (B&R) for his information and in case it is so required, to fix the accountability of the officers who have caused the delay.

05.02.2026
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No