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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Judgment reserved on: 11.02.2026*
Judgment pronounced on: 17.03.2026

+ O.M.P. (COMM) 108/2025 & I.A. 5843/2025 (Stay)

UNION OF INDIAPetitioner

Through: Mr. Raj Kumar, CGSC.

versus

M/S NJR CONSTRUCTIONS PVT LTDRespondent

Through: Mr. Sandeep Sharma, Mr.
Hunny Singh and Mr. Ankit
Parindiyal, Advocates.

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR

J U D G M E N T

HARISH VAIDYANATHAN SHANKAR, J.

1. The present Petition, under Section 34 of the **Arbitration and Conciliation Act, 1996**¹, seeks to assail the Arbitral Award dated 13.01.2021 passed by the learned Sole Arbitrator in the case titled “*M/S N.J.R. Construction Pvt. Ltd. v. Union of India*”.

2. The Petition is accompanied by two applications, being **I.A. 5846/2025**² seeking condonation of the delay of 585 days in re-filing the present Petition, while **I.A. 5844/2025**³ has been filed seeking condonation of the delay of 168 days in filing the Petition.

¹ A&C Act

² Re-filing delay Application

³ Delay Application



3. At the very outset, before this Court adverts to the merits, it is necessary to first adjudicate the accompanying applications seeking the condonation of delay in filing as well as re-filing of the Petition. Needless to say, the consideration of the merits of the Petition is contingent upon the outcome of these two applications.

I.A. 5844/2025 (DELAY OF 168 DAYS IN FILING THE PETITION) & I.A. 5846/2025 (DELAY OF 585 DAYS IN RE-FILING THE PETITION)

4. At this stage, the Court is only concerned with the adjudication of the present applications. In view thereof, it is neither necessary nor appropriate to enter into a detailed examination of the factual matrix of the case. Accordingly, the Court refrains from delving into the underlying facts and confines its consideration solely to the issues that arise for determination in the present applications.

Submissions on behalf of the parties:

5. Based upon the aforesaid applications, the learned counsel for the Respondent would raise a preliminary objection on the maintainability of the present Petition, stating it to be heavily barred by limitation. He would submit that Petitioner herein has failed to explain the sufficiently long and inordinate delay for filing as well as re-filing the present Petition, which is far beyond any reasonable time.

6. Learned counsel for the Respondent would further contend that the blanket exclusion of limitation granted by the Hon'ble Supreme Court in *In re: Cognizance for extension of limitation (Suo Moto Writ Petition No.3 of 2020)*⁴, cannot be construed as permitting an indefinite extension of limitation. It would also be that the delay

⁴ Suo Moto Writ Petition (C) No. 3/2020



attributable to the Petitioner arises subsequent to the period of exclusion granted by the Hon'ble Supreme Court, and thus, the Petitioner cannot claim the benefit of the said orders, particularly in the absence of any cogent or plausible explanation for the delay.

7. **Per contra**, the learned counsel for the Petitioner, in support of the applications for condonation of delay in filing and re-filing, would submit that the delay occurred due to certain administrative constraints.

8. It would further be contended that the Petitioner is entitled to the benefit of the orders passed by the Hon'ble Supreme Court in ***Suo Motu Writ Petition (C) No. 3/2020 (supra)***, whereby the period of limitation was extended in view of the prevailing circumstances.

9. Learned counsel for the Petitioner would also place reliance on the provisions of Section 14 of the **Limitation Act, 1963⁵**, and would reiterate the averments contained in the applications seeking condonation of delay. Insofar as the delay in re-filing is concerned, learned counsel for the Petitioner would also rely upon and reiterate the submissions set out in the concerned application seeking condonation of the delay in re-filing.

Analysis & Decision:

10. This Court has heard the learned counsel appearing for the parties and, with their able assistance, has perused the relevant material concerning the present applications under adjudication.

11. *Brevitatis causa*, before proceeding further with respect to the adjudication of the applications, it is apposite to note down certain

⁵ Limitation Act.



relevant dates and corresponding events which can be summarised as follows:

Date	Event
13.01.2021	Impugned Arbitral Award passed by the learned Arbitrator.
22.03.2021	Order for correction/ modification of the Award passed by the learned Arbitrator.
16.09.2021	A Petition was filed by the Petitioner under Section 34 of the A&C Act, impugning the Arbitral Award, before the learned District Court at Tis Hazari Courts, Delhi⁶ .
All the aforesaid events transpired during the period which was subsequently directed to be excluded in terms of the Orders of the Hon'ble Supreme Court in <i>Suo Motu Writ Petition (C) No. 3/2020 (supra)</i> . The said excluded period continued until 28.02.2022, and as on that date, the Petition filed before the learned District Court was still pending adjudication.	
18.03.2023	The Petition filed under Section 34 of the A&C Act was returned by the learned District Court on the ground that the same was beyond the pecuniary jurisdiction of the said Court.
It is pertinent to note that, upon extending the benefit of the orders passed by the Hon'ble Supreme Court in <i>Suo Motu Writ Petition (C) No. 3/2020 (supra)</i> , and thereafter taking into consideration the provisions of Section 14 of the Limitation Act, the effective period for	

⁶ Learned District Court



filing the Petition under Section 34 before the competent Court, namely, this Court, would commence from 18.03.2023.	
18.06.2023	The date on which the three-month period, as prescribed under Section 34(3) of the A&C Act, for filing a petition before the competent Court expires.
18.07.2023	Date of completion of a further 30-day period in terms of the outer limit under the proviso to Section 34(3) expires.
29.07.2023	Section 34 Petition filed before this Court
01.03.2025	All the defects were cured by the Petitioner, whereupon the matter came up before this Court for consideration for the first time on 05.03.2025.

12. A perusal of the above tabulated calculation would demonstrate that the period of limitation for filing the Petition under Section 34 of the A&C Act before the learned District Court, subsequent to the passing of the Impugned Arbitral Award, stood effectively exempted in view of the orders passed by the Hon'ble Supreme Court in *Suo Moto Writ Petition (C) No. 3/2020 (supra)*. By virtue of the said orders, the Hon'ble Supreme Court directed exclusion of the period commencing from 15.03.2020 until 28.02.2022 for the purposes of computing limitation. Consequently, the period falling within the aforesaid timeframe could not be reckoned while calculating the limitation available to the Petitioner for instituting proceedings under Section 34 of the A&C Act.

13. Further, the time spent by the Petitioner in prosecuting the Petition before the learned District Court, up to the passing of the Order dated 18.03.2023, whereby the said Petition came to be returned



on the ground that the matter fell outside the pecuniary jurisdiction of the learned District Court, is also liable to be excluded in terms of Section 14 of the Limitation Act. The said provision permits exclusion of the period during which a party has been *bona fide* prosecuting a proceeding before a Court that ultimately lacks jurisdiction to entertain the same.

14. In the present case, therefore, the entire duration during which the Petition remained pending before the learned District Court until 18.03.2023 would stand excluded for the purposes of limitation. Consequently, in the peculiar factual circumstances of the present case, the effective period of limitation for filing the Petition under Section 34 of the A&C Act before the competent Court, *namely*, this Court, would commence from 18.03.2023, being the date on which the learned District Court returned the Petition for want of pecuniary jurisdiction.

15. However, a perusal of the record, read in conjunction with the aforesaid tabulated computation, reveals that the period of limitation available to the Petitioner for filing the present Petition expired on 18.07.2023. Notwithstanding the same, the present Petition came to be instituted before this Court only on 29.07.2023.

16. For the sake of clarity, convenience, and a proper appreciation of the manner in which the period of limitation has been computed in the present case, a detailed tabulation reflecting the relevant dates and the corresponding calculation of limitation is set out hereunder:

Date	Event	Statutory / Legal Consequence
18.03.2023	Date of Order of the learned District	In view of the orders of the Hon'ble Supreme Court in <i>Suo</i>



	Court returning the Section 34 Petition for being beyond its pecuniary jurisdiction	<i>Motu Writ Petition (C) No. 3/2020</i> , and the exclusion of the period during which the Petition remained pending before the learned District Court, under Section 14 of the Limitation Act, the effective period of limitation for filing the Petition under Section 34 before the competent Court, <i>namely</i> , this Court, commences from 18.03.2023.
18.06.2023	Date on which the limitation period expires	Expiry of the 3-month period as prescribed under Section 34(3) of the A&C Act
18.07.2023	Date of completion of a further 30-day period.	The outer limit under the proviso to Section 34(3) of the A&C Act expires. [<i>Computed from 19.06.2023 to 18.07.2023</i>]
29.07.2023	Section 34 Petition filed before this Court.	The outer statutory period of three months, along with the additional condonable period of thirty days, expired on 18.07.2023. Consequently, the present Petition, having been filed thereafter, is delayed by 11 days beyond the maximum permissible period of



		limitation.
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17. The Petitioner, in the application seeking condonation of delay in filing the present Petition, attributes the delay primarily to inter-departmental procedural delays and to the alleged unavailability of certified copies of the Petition that had earlier been filed before the learned District Court, as well as the Order dated 18.03.2023 passed by the said Court. The Petitioner has further sought to explain the delay by referring to the time consumed in obtaining certified copies from the said Court and the subsequent administrative process undertaken for the appointment of counsel and preparation of the present Petition before this Court. The relevant averments made in the application are reproduced hereunder for ready reference:

“...

9. That the period of filing the present petition before the Ld. DJ (Comm), Tis Hazari, Delhi may kindly be excluded in view of provisions of limitation Act as the petition was inadvertently filed before the Ld. DJ, Delhi. The said petition was return on 18-03-2023 and the certified copy of the judicial file was applied on 11-05-2023 and the same was prepared on 25-05-2023. Therefore, the actual period for the purpose of calculation of the limitation would start from 18-03-2023. The period of 90 days would be deleted as the period of filing the present petition, then period of pendency of the petition before the Ld DJ (Comm) Tis Hazar, Delhi would also be deleted as well as the period of taking certified copy of the petition from the Tis Hazari court would also be liable to be deleted.

10. That thereafter the matter was requested to appoint the counsel by the litigation branch of UOI for the purpose to file the petition before the Hon'ble High Court of Delhi and the counsel was appointed by the litigation branch of UOI and the matter was assigned.

11. That the counsel for petitioner sent an Email vide dated 23.04.2023 to provide the copy petition filed at the district court. Then the certified copy was applied and same was prepared on 25.02.2023. The certified copy of provided to the counsel on 30.06.2023 and after that the petition was prepared on 08.07.2023 and sent to the petitioner department and signed by the competent person.”

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18. *Ex facie*, the explanation put forth by the Petitioner for seeking condonation of delay beyond the statutorily permissible limit under Section 34 of the A&C Act does not appear to be plausible or legally sustainable.

19. A bare reading of the relevant provisions of the Limitation Act reveals that the exclusion of time in obtaining certified copies is governed by Section 12 of the Limitation Act. The said provision contemplates exclusion only of the time requisite for obtaining a certified copy of the impugned decree, sentence, order, judgment, or award against which proceedings are to be initiated. It does not envisage exclusion of the time taken for obtaining certified copies of pleadings, records, or orders from a Court before which proceedings had been erroneously instituted on an incorrect assumption of jurisdiction. Consequently, the reliance placed by the Petitioner on the time allegedly consumed in procuring certified copies of the record from the learned District Court cannot furnish a legally tenable ground for exclusion of limitation. For ready reference, the relevant portion of Section 12 of the Limitation Act is reproduced hereunder:

“12. Exclusion of time in legal proceedings.-

(2) In computing the period of limitation for an appeal or an application for leave to appeal or for revision or for review of a judgment, the day on which the judgment complained of was pronounced and the time requisite for obtaining a copy of the decree, sentence or order appealed from or sought to be revised or reviewed shall be excluded.

(3) Where a decree or order is appealed from or sought to be revised or reviewed, or where an application is made for leave to appeal from a decree or order, the time requisite for obtaining a copy of the judgment 1*** shall also be excluded.

(4) In computing the period of limitation for an application to set aside an award, the time requisite for obtaining a copy of the award shall be excluded.

Explanation.—In computing under this section the time requisite for obtaining a copy of a decree or an order, any time taken by the



court to prepare the decree or order before an application for a copy thereof is made shall not be excluded.”

20. At this stage, even proceeding *on demurrer* and assuming, for the sake of argument, that the present Petition was not otherwise barred by limitation when filed before this Court, the Court cannot lose sight of the fact that there exists an inordinate and unexplained delay of more than 550 days in re-filing the present Petition.

21. As stated in the present Petition, the same was initially filed on 29.07.2023. However, a perusal of the log information maintained by the Registry of this Court reveals that the Petition was ultimately re-filed only on 01.03.2025. It was thereafter that the Petition came to be duly registered and was listed before this Court for the first time on 05.03.2025.

22. The Delhi High Court Rules (Original Side), 2018, unequivocally state that if any Petition is returned under defects, the same has to be re-filed within a time period of 7 days at a time and 30 days in aggregate, beyond which, the said pleading shall be accompanied by an application seeking condonation of delay in re-filing. The relevant rule, being Rule 3 of Chapter IV, is reproduced below:

“3. Defective pleading/document. - (a) If on scrutiny, the pleading/document is found defective, the Deputy Registrar/Assistant Registrar, Incharge of the Filing Counter, shall specify the objections, a copy of which will be kept for the Court Record, and return for amendment and re-filing within a time not exceeding 7 days at a time and 30 days in aggregate.

(b) If the pleading/document is not taken back for amendment within the time allowed under sub-rule (a), it shall be registered and listed before the Court for its dismissal for non-prosecution.

(c) If the pleading/document is filed beyond the time allowed under sub-rule (a) the pleading/document must be accompanied with an application for condonation of delay in re-filing for the said pleading/document.



(d) Any party aggrieved by any order made by the Registrar under this Rule may, within fifteen days for making such order, appeal against it to the Judge in Chambers”

23. The sole question that thus arises for consideration is whether the Petitioner has been able to demonstrate the existence of “*sufficient cause*” so as to justify the condonation of the extraordinary delay in re-filing the present Petition.

24. It is trite law that the discretion to condone delay is to be exercised with due circumspection and sparingly, and only in cases where exceptional circumstances are clearly demonstrated. The burden squarely lies upon the Petitioner to furnish a cogent, credible, and convincing explanation accounting for the entire period of delay. It is equally well settled that condonation of delay is neither a vested right of a litigant nor a relief that ought to be granted in a routine or mechanical manner, as such an approach would defeat the legislative intent, which seeks to ensure finality and expeditious resolution of disputes arising out of arbitral proceedings.

25. For this Court to exercise the aforesaid discretion, the Petitioner was required to demonstrate “sufficient cause” explaining the inordinate delay in re-filing the present Petition. However, the explanation furnished in the application seeking condonation of delay in re-filing appears to be not only inadequate but also reflective of a rather casual and cavalier approach towards the statutory timelines governing such proceedings. For the sake of convenience and ready reference, the relevant portion of the application attempting to explain the delay in re-filing the Petition is reproduced hereunder:

“2. That there is a delay of 535 days in re-filing the aforesaid petition after removal of objection raised by the Registry of this before the Hon’ble Court as the Petitioners’ counsel has misplaced the file in his office due to shifting of his office in the first week of



month of October 2023 as there was hundreds of files and due to hundreds of running and disposed off files the original file with all certified copies of this case have been tagged in the bundle of disposed off files. Therefore, the counsel for the petitioner could not able to fins the files of the present case. so many efforts have been made to trace out the same but could not able to find the same. Now, the file has been traced out, the Counsel for the Petitioner could not file the petition in a stipulated time period after removal of objections due to this reason.”

26. While this Court is conscious that, in exceptional cases, delay can be condoned upon a showing of “*sufficient cause*”, the Petitioner has failed to demonstrate any such compelling justification. Losing the file, with no further attempts to even obtain another copy of the same, cannot constitute a valid excuse for non-compliance with mandatory statutory timelines. Attributing the delay to a clerical lapse in the counsel’s office only points to negligence. Such explanations neither establish sufficient cause nor entitle a litigant to the indulgence of condonation.

27. This Court is further guided by the Judgement of the Hon’ble Supreme Court in *Sheo Raj Singh (D) Thr. LRs. v. Union of India*⁷. The Hon’ble Supreme Court, while analysing the contentions of the parties, reiterated that condonation of delay, being a discretionary power available to the Courts, its exercise must necessarily depend upon the sufficiency of the cause shown and the degree of acceptability of the explanation. The Apex Court went on to emphasise that the duration of the delay is immaterial, sometimes even a delay of the shortest time period may not be condoned due to want of ‘*sufficient cause*’ or an acceptable explanation and sometimes delay of long periods can be condoned if explanation is satisfactory and acceptable. The relevant extracts are produced below:

⁷ (2023) 10 SCC 531



“29. Considering the aforementioned decisions, there cannot be any quarrel that this Court has stepped in to ensure that substantive rights of private parties and the State are not defeated at the threshold simply due to technical considerations of delay. However, these decisions notwithstanding, we reiterate that condonation of delay being a discretionary power available to courts, exercise of discretion must necessarily depend upon the sufficiency of the cause shown and the degree of acceptability of the explanation, the length of delay being immaterial. Sometimes, due to want of sufficient cause being shown or an acceptable explanation being proffered, delay of the shortest range may not be condoned whereas, in certain other cases, delay of long periods can be condoned if the explanation is satisfactory and acceptable. Of course, the courts must distinguish between an ‘explanation’ and an ‘excuse’. An ‘explanation’ is designed to give someone all of the facts and lay out the cause for something. It helps clarify the circumstances of a particular event and allows the person to point out that something that has happened is not his fault, if it is really not his fault. Care must however be taken to distinguish an ‘explanation’ from an ‘excuse’. Although people tend to see ‘explanation’ and ‘excuse’ as the same thing and struggle to find out the difference between the two, there is a distinction which, though fine, is real. An ‘excuse’ is often offered by a person to deny responsibility and consequences when under attack. It is sort of a defensive action. Calling something as just an ‘excuse’ would imply that the explanation proffered is believed not to be true. Thus said, there is no formula that caters to all situations and, therefore, each case for condonation of delay based on existence or absence of sufficient cause has to be decided on its own facts. At this stage, we cannot but lament that it is only excuses, and not explanations, that are more often accepted for condonation of long delays to safeguard public interest from those hidden forces whose sole agenda is to ensure that a meritorious claim does not reach the higher courts for adjudication.”

28. In view of the aforesaid decision of the Hon’ble Supreme Court, this Court believes that there is no cavil to the proposition that while considering an application for condonation of delay in re-filing, the Court must adopt a ‘liberal approach’ and ought not to adopt a hyper-technical approach. That being said, the law nevertheless requires the Applicant to furnish a reasonable, credible, and cogent explanation for the period sought to be condoned. In the present case, no such explanation or ‘*sufficient cause*’ is forthcoming, much less one that



inspires the confidence of this Court, which can sufficiently explain the cause of the enormous delay of more than 500 days in re-filing of the Petition.

29. It is trite that delay cannot be condoned as a matter of generosity or benevolence. The quest for substantial justice cannot be permitted to eclipse the corresponding right of the opposing party to be free from undue prejudice occasioned by protracted and unexplained inaction. In the present case, the Petitioner has not only failed to disclose any reasonable or cogent explanation for the enormous delay in re-filing the present Petition but has also shown a lackadaisical approach that came to be followed. The foundational requirement for invoking this Court's discretionary power to condone the delay thus remains wholly unfulfilled.

30. Accordingly, this Court is of the considered view that the present applications, particularly the application seeking condonation of delay in re-filing the Petition, are devoid of merit and, therefore, liable to be dismissed. The same are, accordingly, dismissed.

O.M.P. (COMM) 108/2025, I.A. 5843/2025 (STAY) & I.A. 5845/2025 (EX.)

31. As a necessary corollary, and as a result of the Petitioner being unable to substantiate the entertaining of the Petition on merits, having failed to satisfy this Court on the threshold mandate of approaching the Court in a diligent and time bound manner, without entering into the arena of a determination of the Petition on merits, the present Petition stands dismissed as being time barred.

32. Accordingly, the present Petition, along with pending Application(s), if any, shall stand disposed of in the aforesaid terms.



33. No order as to costs.

HARISH VAIDYANATHAN SHANKAR, J.
MARCH 17, 2026/sm/va

Signature Not Verified

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