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

+ O.M.P. (COMM) 31/2026, I.A. 1429/2026 (Stay), I.A. 1432/2026 (Delay of 54 days in Re-filing the petition) & I.A. 1433/2026 (Delay of 150 days in filing the petition)

AIIMS, BHOPAL

.....Petitioner

Through: Mr. P.S Singh, CGSC along
with Ms. Shivangi Sharma &
Ms. Annu Singh, Advocates.

versus

M/S KUMAR INFRATECH AND CONSTRUCTION PVT.
LTD.

.....Respondent

Through: Mr. Om Prakash and Mr.
Amresh Bind, Advocates.

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR

ORDER
06.04.2026

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1. The present Petition, filed under Section 34 of the Arbitration and Conciliation Act, 1996 [“Act”], seeks setting-aside of the Arbitral Award dated 30.11.2024 passed by the learned Sole Arbitrator, in relation to the disputes arising out of the Contract Agreement dated 22.12.2008 as between the parties.

2. The present Petition has come to be filed after a delay of almost six months. The reasons for the said delay are set out in the Application, being I.A. 1432/2026, seeking condonation of delay of 150 days in filing the present Petition, which accompanies the present Petition. The said reasons read as follows:

“5. Chronology of Events Explaining the Delay:

i. **On 30.11.2024** - The arbitral award was passed against the



Petitioner in respect of the agreement dated 22.12.2008 concerning the setting up of a residential complex at AIIMS Bhopal [**DOCUMENT-11**].

- ii. **On 07.01.2025** - On an application under Section 33, the learned Sole Arbitrator passed a correction order. It was clarified that the date of the award shall be reckoned as 07.01.2025 for the purposes of interest and legal proceedings [**DOCUMENT-12**].
- iii. **On 12.02.2025** - AIIMS Bhopal, after examining the award, forwarded grounds for challenge to the Ministry of Health & Family Welfare (MoH&FW), seeking legal opinion on whether to accept or contest the award. (*Letter No. SE Office/KIC/9538*) [**DOCUMENT-17**]
- iv. **On 26.03.2025** - A reminder was issued to MoH&FW seeking legal opinion. Additionally, it was requested that in case the decision was to challenge the award, nomination of counsel may be secured through the Ministry of Law & Justice, Litigation Section. (*Letter No. SE Office/KIC/9648*) [**DOCUMENT-18**]
- v. **On 16.04.2025** - Shri Raj Kumar, Deputy Secretaiy (PMSSY), MoH&FW, forwarded the matter to Shri Sher Singh Dagar, Joint Secretary & Legal Advisor, Department of Legal Affairs, Ministry of Law & Justice, for considered legal opinion [**DOCUMENT-19**].
- vi. **On 23.04.2025** - AIIMS Bhopal once again urged MoH&FW to provide the legal opinion by 28.04.2025, pointing out that the filing window under Section 34 was closing fast. (*Letter No. SE Office/KIC/9715*) [**DOCUMENT-20**].
- vii. **On 21.05.2025** - Legal opinion was furnished by Ms. Sunita Moorti Anand, Additional Secretary, Department of Legal Affairs, recommending that the award be challenged [**DOCUMENT-21**].
- viii. **On 24.06.2025** - MoH&FW formally conveyed its considered opinion to AIIMS Bhopal to proceed with filing objections under Section 34. (*Letter No. Z-17011/03/2025-PMSSY-I*) [**DOCUMENT-22**].
- ix. **On 03.07.2025** - AIIMS Bhopal approached the Litigation Section, Ministry of Law & Justice, seeking appointment of counsel before the Delhi High Court. (*Letter No. AIMS/BPL/LEGAL CELL/2025/4807*) [**DOCUMENT-23**].
- x. **On 09.07.2025** - The nominated counsel, Shri Ruchir Mishra, expressed inability to take up the matter, opining that the award was already time-barred [**DOCUMENT-24**]
- xi. **On 24.07.2025** - AIIMS Bhopal again requested the Litigation Section to appoint alternate counsel, citing the refusal of Shri Mishra. [**DOCUMENT-25**]
- xii. **On 27.07.2025** - The case was nevertheless re-allotted to Shri Mishra, who once again refused to take up the matter citing



limitation [DOCUMENT-26]

- xiii. **On 19.08.2025** - After a meeting between the Litigation Section (UOI, DHC), MoH&FW officials, and AIIMS Bhopal officers, the matter was reassigned. Eventually, Shri P.S. Singh, CGSC, was nominated as counsel to file objections. [DOCUMENT-27]
- xiv. **In August-September 2025** - Preparation of the petition required collation of voluminous arbitration records, vetting of annexures, correction of margins, certification, and execution of Statement of Truth, consuming additional time before filing.”

3. This Court is of the view that, in light of the law as presently settled by the Hon’ble Supreme Court in *P. Radha Bai v. P. Ashok Kumar*, (2019) 13 SCC 445 and in *Dakshin Haryana Bijli Vitran Nigam Ltd. v. Navigant Technologies (P) Ltd.*, (2021) 7 SCC 657, which are based on an interpretation of the provisions of the Act, there arises no scope for condonation of delay in filing of the present Petition beyond the statutory period of three months and thirty days. A perusal of the timeline as set out hereinbefore makes it evident that the present Petition has been filed after an inordinate delay purely due to administrative and bureaucratic inertia. The same has proved to be detrimental to the Petitioner and would require due introspection and reflection by the concerned authorities. It is also noticed that despite the initial refusal of a learned counsel to file the present Petition on the ground of delay, the department has persisted and gone ahead with filing the present Petition. The same is clearly a drain of public resources and should have been avoided. This Court refrains from imposing exemplary costs as the same would only be a further drain of public resources. Nonetheless, the concerned officers who have occasioned the delay may be queried on why the files moved at a snail’s pace.

4. In view thereof, this Court is of the view that the present



Petition is liable to be dismissed, being barred by limitation.

5. Accordingly, the present Petition, along with pending Application(s), if any, stands dismissed as being barred by limitation.

HARISH VAIDYANATHAN SHANKAR, J.
APRIL 06, 2026/tk/dj