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

% ***Date of Decision: 26th March, 2025***

+ **CM(M) 559/2025 & CM APPL. 17492-17494/2025**

CARS 24 SERVICES PVT. LTD.Petitioner

Through: **Mr. Rohit Gupta with Mr. Gopal
Agonia, Advocates.**

versus

DNA ARCHITECTSRespondent

Through: **None.**

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. There is an award in favour of petitioner herein.
2. Aggrieved by the same, the opposite party i.e. DNA Architects filed objection petition under Section 34 of Arbitration & Conciliation Act, 1996. It was accompanied by an application seeking condonation of delay. When such application was taken up by learned District Judge (Commercial Court) on 31.07.2023, it condoned the delay in filing such petition and issued notice to the other side.
3. The grievance raised in the present petition is limited to the effect that the delay could not have been condoned, in the manner it has been done. According to learned counsel for the petitioner, the permissible outer limit is 120 days and such period is absolute and cannot be extended and, therefore, delay in filing the petition, beyond said period, cannot be condoned, that too, without hearing the opposite side.
4. The abovesaid order is under challenge.



5. However, various subsequent orders passed by learned District Judge (Commercial Court) would indicate that learned District Judge (Commercial Court) is, somehow, still seized of such application as it is also hearing arguments with respect to the same application i.e. application filed under Section 5 of Limitation Act, 1963 whereby the Objector is seeking condonation of delay in filing the objection petition filed under Section 34 of Arbitration & Conciliation Act, 1996.

6. When the matter was taken up by learned District Judge (Commercial) Court on 23.10.2024, the Court itself recorded that there was no appearance from the side of the concerned Objector and directed that the matter would proceed for the purpose of hearing arguments on application under Section 5 of Limitation Act, 1963 moved by the Objector. Thereafter, when the matter was taken up on 26.10.2024, arguments were heard and the case was fixed up for orders for 28.10.2024. However, orders were not passed and the matter was again fixed for the purpose of hearing arguments on the same application moved under Section 5 of Limitation Act, 1963 filed by the same Objector.

7. The next date of hearing before learned Trial Court is stated to be 31.05.2025.

8. Though, the initial order might indicate as if the application filed under Section 5 of Limitation Act, 1963 was allowed and the delay was condoned but various subsequent orders, categorically, convey a different picture and it looks quite apparent that the Court is still hearing arguments with respect to the same application moved under Section 5 of Limitation Act, 1963 whereby the Objector DNA Architects Ltd. seeks condonation of delay.

9. Since the aspect of condonation of delay is still very much alive before the learned Trial Court, this Court would not deem it appropriate to make any



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observation in this regard. However, if learned Trial Court observes that the abovesaid application has already been disposed of and, therefore, it does not have to hear any argument on the abovesaid application, the petitioner herein would be at liberty to seek revival of the present petition.

10. The present petition, along with pending applications, stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

MARCH 26, 2025
st/SS