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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 11.02.2026

+ O.M.P. (COMM) 375/2024, I.A. 38279/2024 (Stay) & I.A. 38285/2024 (Delay of 59 days in Re-filing the petition)

UNION OF INDIAPetitioner

Through: Ms. Nidhi Raman CGSC with Mr. Zubin Singh, Mr. Arnav Mittal & Mr. Akash Mishra Advs. with Ms. Archana Chhibber, legal consultant MEA

versus

M/S VISHWA-BVSR JVRespondent

Through: Mr. Akhil Sibal, Sr. Adv. with Mr. Kartik Yadav, Mr. Sidhant Kaushik, Mr. Sankalp Singh .& Ms. Mokshha Sharma, Advs.

CORAM:

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

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JUDGEMENT (ORAL)

HARISH VAIDYANATHAN SHANKAR, J.

I.A. 38278/2024 (Delay of 28 days in filing the petition)

1. This objection Petition being O.M.P. (COMM) 375/2024, under Section 34 of the **Arbitration and Conciliation Act, 1996**¹, has been filed impugning the Amended Arbitral Award dated 30.12.2023 passed by the learned Arbitral Tribunal in the case titled “*M/S Vishwa-*

¹ Act



BVSR JV v. Union Of India".

2. The present Petition is also accompanied by an Application being I.A. 38278/2024 seeking condonation of delay in filing in filing the said Petition.

3. Learned Senior Counsel for the Respondent would raise a preliminary objection to the present Petition, stating that the same is barred by limitation since it exceeds a statutory period of three months and 30 days as provided for in the Act, more specifically Section 34(3).

4. In the present matter, the log information has been filed by the Registry, which indicates that the Petition came to be filed on 30.04.2024 at 10:52 PM.

5. Learned Senior Counsel for the Respondent further submits that as per the Delhi High Court (Original-Side Rules), 2018, read with the Practice Directions for Electronic Filing, any filing done after 4:00 p.m. is considered to be filed on the next working day

6. Learned Senior Counsel appearing for the Respondent submits that on the basis of an Application under Section 33 of the Act, the arbitration proceedings came to be disposed of *vide* Order dated 30.12.2023, and it is from this date that the limitation will have to commence.

7. He submits that on the basis of the said date on which limitation commences, the filing of the present Petition on the 30.04.2024 would be beyond the period of limitation as provided for under the Act as the period of three months and 30 days expired on 29.04.2024.

8. At this juncture, this Court deems it appropriate to advert to the relevant Section, being Section 34(3) of the Act, which reads as



follows:

“34. Application for setting aside arbitral award.—

(3) An application for setting aside may not be made after three months have elapsed from the date on which the party making that application had received the arbitral award or, if a request had been made under Section 33, from the date on which that request had been disposed of by the arbitral tribunal:

Provided that if the Court is satisfied that the applicant was prevented by sufficient cause from making the application within the said period of three months it may entertain the application within a further period of thirty days, but not thereafter.

....”

9. *Brevitatis causa*, the relevant dates for the purpose of calculating the delay are tabulated herein below:

S.NO.	PARTICULARS	DATE
1.	Date of Amended Arbitral Award	30.12.2023
2.	Expiry of 3 months	30.03.2024
3.	Expiry of condonable 30 days	29.04.2024
4.	Date of filing of present Petition	30.04.2024 at 10:52 PM

10. A perusal of the above tabular statement shows that the present Petition has been filed 2 days beyond the 30-day condonable period as provided for under Section 34 of the Act. This Court further takes note that the Application seeking condonation of delay fails to provide any sufficient cause justifying the said delay. In fact, the application seeking the condonation of delay shows that the Petitioner herein has miscalculated the statutory period within which a Section 34 Petition is to be preferred and states that the present Petition has been filed



within the 30-day condonable period.

11. This Court is also guided by the the Judgment of the Hon'ble Supreme Court in ***Geojit Financial Services Ltd. v. Sandeep Gurav***², and the Judgement of a Division Bench of this Court in ***Tefcil Breweries Ltd. v. Alfa Laval India (P) Ltd***³., wherein it is has been stated that for the purpose of computing the limitation period under Section 34 of the Act, where a party has filed an application under Section 33 for correction or an additional award, the three-month limitation period begins from the date on which the Section 33 application is formally disposed of by the arbitral tribunal and not from the date on which a corrected or signed award is received by the party.

12. Learned counsel for the Petitioner would not controvert the dates as put forth by the learned counsel for the Respondent.

13. In view of the fact that there is a clear delay of two (02) days in the filing of the present Petition.

14. At this stage, this Court also takes into account the aspect of applicability of Delhi High Court (Original-Side Rules), 2018, read with the Practice Directions for Electronic Filing, even *dehors* the applicability of the said rules in the present factual scenario, the present Petition is found to be beyond the statutory mandate under Section 34(3) of the Act.

15. Accordingly, this Court is of the view that the present application is found to be devoid of merit and hence is dismissed as such.

² 2025 SCC OnLine SC 1811

³ 2025 SCC OnLine Del 6366



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O.M.P. (COMM) 375/2024, I.A. 38279/2024 (Stay) & I.A. 38285/2024 (Delay of 59 days in Re-filing the petition)

16. In view of the foregoing, the present Petition, along with pending application(s), if any, is disposed of in the aforesaid terms.

HARISH VAIDYANATHAN SHANKAR, J.

FEBRUARY 11, 2026/ v/va