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

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***Judgment reserved on: 26.11.2025***  
***Judgment pronounced on: 11.12.2025***

+ FAO(OS) (COMM) 193/2025, CM APPL. 74156/2025 (stay),  
CM APPL. 74157/2025 (Exp.), CM APPL. 74158/2025 (delay  
of 7 days in re-filing appeal)

MUNICIPAL CORPORATION OF DELHI .....Appellant  
Through: Mr. Gaganmeet Singh,  
Advocate.

versus

M/S MAFATLAL INDUSTRIES LIMITED & ANR.  
.....Respondents  
Through: None.

**CORAM:**  
**HON'BLE MR. JUSTICE ANIL KSHETARPAL**  
**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN**  
**SHANKAR**

## **J U D G M E N T**

**HARISH VAIDYANATHAN SHANKAR, J.**

1. The present Appeal, instituted under Section 37 of the **Arbitration and Conciliation Act, 1996**<sup>1</sup>, read with Section 13 of the Commercial Courts Act, 2015, assails the **Judgment dated 13.10.2025**<sup>2</sup> rendered by the learned Single Judge of this Court in O.M.P. (COMM) No. 375/2025, titled “*Municipal Corporation of Delhi vs. Mafatlal Industries Limited.*”

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<sup>1</sup> A&C Act

<sup>2</sup> Impugned Judgement



2. By the Impugned Judgment, the learned Single Judge declined to entertain the Petition preferred under Section 34 of the A&C Act, holding the same to be hopelessly barred by limitation.

3. The principal question which arises for determination in the present appeal is whether the learned Single Judge was justified in declining to entertain the Appellant's Petition under Section 34 of the A&C Act on the ground of limitation, in view of the absolute statutory bar contained in Section 34(3) and its proviso.

### **ANALYSIS:**

4. We have heard the learned counsel appearing for the Appellant and, with his able assistance, perused the Impugned Judgment, as well as other relevant materials.

5. At the outset, and before we proceed to examine the submissions advanced by the parties, we consider it appropriate to reproduce Section 34(3) of the A&C Act. Setting out the said provision at this stage is necessary to delineate the statutory framework governing the limitation for filing objections to an arbitral award, the scope and effect of which lie at the core of the present appeal. Section 34(3) of the A&C Act, reads as follow:

#### **“34. Application for setting aside arbitral award. –**

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(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.”



6. We deem it apposite, for purposes of clarity and proper appreciation of the limitation issue arising in the present appeal, to set out in a tabulated form, the material dates, including the date of the Impugned Award, the expiry of the statutory three-month period, the outer limit upon addition of the thirty-day extension contemplated under the proviso to Section 34(3), and the actual date on which the petition came to be filed.

S. No.	Particulars	Date	Legal Significance
1.	Date of Impugned Arbitral Award	25.01.2025	This is the date from which the limitation under Section 34(3) commences, being the date of publication/receipt of the signed award.
2.	Expiry of Statutory Period of 3 Months	25.04.2025	Under the main limb of Section 34(3), objections must be filed within <i>three months</i> from the date of receipt of the award.
3.	Outer Limit Upon Addition of 30-Day Extension (Proviso)	25.05.2025	Even assuming “sufficient cause” for delay, the proviso permits condonation of <i>only</i> a further 30 days - “but not thereafter.”
4.	Actual Date of Filing of Section 34 Petition	04.08.2025	Petition filed beyond both the statutory period and the maximum condonable period.
5.	Total Delay Beyond the Outer Limit	71 Days	Delay computed from 25.05.2025 to 04.08.2025; exceeds the statutory embargo and is incapable of condonation.

7. Upon a meticulous scrutiny of the materials placed before us, we find ourselves in agreement with the observations recorded by the learned Single Judge. The record unequivocally discloses that the Arbitral Award stood published on 25.01.2025. The Petition under



Section 34 of the A&C Act came to be instituted only on 04.08.2025. In terms of Section 34(3) of the A&C Act, the statutory period of three months for the filing of objections expired on 25.04.2025.

8. Even assuming, *arguendo*, that the Appellant was able to demonstrate “sufficient cause” within the meaning of the proviso so as to warrant the invocation of the additional period of thirty days, the outermost limit would have lapsed on 25.05.2025. The Petition was thus lodged far beyond the maximum period of limitation contemplated by the statute. The scheme of Section 34(3) has been consistently held by the Supreme Court to be mandatory in nature, admitting of no elasticity and precluding any enlargement of time beyond the express statutory cap. In such circumstances, the refusal of the learned Single Judge to entertain the petition cannot be faulted.

9. The legislative intent is clear in the sense that the Court’s jurisdiction to condone delay exists only within the narrow confines of the additional thirty-day period, and “not thereafter”. The law in this regard has been succinctly laid down by the Hon’ble Supreme Court in *State of H.P. v. Himachal Techno Engineers*<sup>3</sup>. The relevant portions of the said judgement are reproduced hereinbelow for reference:

“5. Having regard to the proviso to Section 34(3) of the Act, the provisions of Section 5 of the Limitation Act, 1963 will not apply in regard to petitions under Section 34 of the Act. While Section 5 of the Limitation Act does not place any outer limit in regard to the period of delay that could be condoned, the proviso to sub-section (3) of Section 34 of the Act places a limit on the period of condonable delay by using the words “may entertain the application within a further period of thirty days, but not thereafter”. Therefore, if a petition is filed beyond the prescribed period of three months, the court has the discretion to condone the delay only to an extent of thirty days, provided sufficient cause is

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<sup>3</sup> (2010) 12 SCC 210



shown. Where a petition is filed beyond three months plus thirty days, even if sufficient cause is made out, the delay cannot be condoned.

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14. The High Court has held that “three months” mentioned in Section 34(3) of the Act refers to a period of 90 days. This is erroneous. A “month” does not refer to a period of thirty days, but refers to the actual period of a calendar month. If the month is April, June, September or November, the period of the month will be thirty days. If the month is January, March, May, July, August, October or December, the period of the month will be thirty-one days. If the month is February, the period will be twenty-nine days or twenty-eight days depending upon whether it is a leap year or not.

15. Sub-section (3) of Section 34 of the Act and the proviso thereto significantly, do not express the periods of time mentioned therein in the same units. Sub-section (3) uses the words “three months” while prescribing the period of limitation and the proviso uses the words “thirty days” while referring to the outside limit of condonable delay. The legislature had the choice of describing the periods of time in the same units, that is, to describe the periods as “three months” and “one month” respectively or by describing the periods as “ninety days” and “thirty days” respectively. It did not do so. Therefore, the legislature did not intend that the period of three months used in sub-section (3) to be equated to 90 days, nor intended that the period of thirty days to be taken as one month.

16. Section 3(35) of the General Clauses Act, 1897 defines a “month” as meaning a month reckoned according to the British calendar.

17. In *Dodds v. Walker* [(1981) 1 WLR 1027 : (1981) 2 All ER 609 (HL)] the House of Lords held that in calculating the period of a month or a specified number of months that had elapsed after the occurrence of a specified event, such as the giving of a notice, the general rule is that the period ends on the corresponding date in the appropriate subsequent month irrespective of whether some months are longer than others. To the same effect is the decision of this Court in *Bibi Salma Khatoon v. State of Bihar* [(2001) 7 SCC 197] .

18. Therefore when the period prescribed is three months (as contrasted from 90 days) from a specified date, the said period would expire in the third month on the date corresponding to the date upon which the period starts. As a result, depending upon the months, it may mean 90 days or 91 days or 92 days or 89 days.”

(emphasis added)

10. Further, the Hon’ble Supreme Court in *Dakshin Haryana Bijli Vitran Nigam Ltd. v. M/s. Navigant Technologies Pvt. Ltd.*<sup>4</sup>, while examining the scheme of Section 34 and its interplay with the Limitation Act, 1963, elucidated the legislative intent underlying the rigid timelines prescribed for filing an application for setting aside an

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<sup>4</sup> (2021) 7 SCC 657



arbitral award, the scope of judicial scrutiny under the said provision, and the consequential effect on enforcement under Section 36 of the A&C Act. The relevant observations are reproduced hereunder:

“**36.** Section 34 provides recourse for judicial scrutiny of the award by a court, upon making an application under sub-sections (2) and (3) for setting aside the award. The period of limitation for filing the objections to the award under Section 34 commences from the date on which the party making the application has “received” a signed copy of the arbitral award, as required by Section 31(5) of the 1996 Act. Section 34(3) provides a specific time-limit of three months from the date of “receipt” of the award, and a further period of thirty days, if the court is satisfied that the party was prevented by sufficient cause from making the application within the said period, but not thereafter.

**37.** In *Union of India v. Popular Construction Co.* [*Union of India v. Popular Construction Co.*, (2001) 8 SCC 470], this Court held that Section 5 of the Limitation Act, 1963 would not apply to applications filed under Section 34 of the Arbitration Act. It was held that: (SCC pp. 474-75, para 12)

“12. As far as the language of Section 34 of the 1996 Act is concerned, the crucial words are “but not thereafter” used in the proviso to sub-section (3). In our opinion, this phrase would amount to an express exclusion within the meaning of Section 29(2) of the Limitation Act, and would therefore bar the application of Section 5 of that Act. Parliament did not need to go further. To hold that the court could entertain an application to set aside the award beyond the extended period under the proviso, would render the phrase “but not thereafter” wholly otiose. No principle of interpretation would justify such a result.”

In *Simplex Infrastructure Ltd. v. Union of India* [*Simplex Infrastructure Ltd. v. Union of India*, (2019) 2 SCC 455 : (2019) 1 SCC (Civ) 738], this Court held that the phrase “but not thereafter” provided under Section 34(3) of the Act makes it evident that the statutory period of limitation for filing an application for setting aside is three months, which is extendable by thirty days, if sufficient cause is made out. No further period of time can be granted for the filing of an application under Section 34.

**38.** If the objections are not filed within the period prescribed by Section 34, the award holder is entitled to move for enforcement of the arbitral award as a deemed decree of the court under Section 36 of the Act. This Court in *P. Radha Bai v. P. Ashok Kumar* [*P.*



**Radha Bai v. P. Ashok Kumar**, (2019) 13 SCC 445: (2018) 5 SCC (Civ) 773] , held that: (SCC pp. 457-59, paras 32.5 & 36.2)

“32.5. Once the time-limit or extended time-limit for challenging the arbitral award expires, the period for enforcing the award under Section 36 of the Arbitration Act commences. This is evident from the phrase “*where the time for making an application to set aside the arbitral award under Section 34 has expired*” [“36. Enforcement.—Where the time for making an application to set aside the arbitral award under Section 34 has expired, or such application having been made, it has been refused, the award shall be enforced under the Code of Civil Procedure, 1908 (5 of 1908) in the same manner as if it were a decree of the Court.”(emphasis supplied)] . There is an integral nexus between the period prescribed under Section 34(3) to challenge the award and the commencement of the enforcement period under Section 36 to execute the award.

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36.2. *Second*, extending Section 17 of the Limitation Act to Section 34 would do violence to the scheme of the Arbitration Act. As discussed above, Section 36 enables a party to apply for enforcement of award when the period for challenging an award under Section 34 has expired. However, if Section 17 were to be extended to Section 34, the determination of ‘time for making an application to set aside the arbitral award’ in Section 36 will become uncertain and create confusion in the enforcement of award. This runs counter to the scheme and object of the Arbitration Act.”

*(emphasis supplied)*”

11. The learned counsel appearing for the Appellant endeavoured to salvage the situation by contending that the delay ensued on account of a *bonafide* belief that the objections had already been lodged on 15.07.2025. Even if one were to assume the correctness of this assertion for the sake of argument, the said date too falls outside the statutory framework of limitation. A filing purportedly made on 15.07.2025 would still be beyond even the additional period of thirty days contemplated by the proviso, and could not have been received by the Court in view of the legislative bar. Thus, the explanation



sought to be advanced would not aid the Appellant in escaping the rigours of Section 34(3).

12. In light of the settled exposition of law governing the rigours of limitation under Section 34(3) of the Act, and upon a careful consideration of the submissions addressed before us, we are persuaded to hold that the present matter inexorably falls within the ambit of the aforesaid doctrinal framework. The case, in our considered view, is squarely covered by the principles repeatedly affirmed by the Hon'ble Supreme Court, leaving no scope for our interference.

### **CONCLUSION:**

13. In view of the aforementioned facts and circumstances and the irrefutable position of law, we find no merit in the present Appeal and resultantly the present Appeal along with pending application(s), if any, is dismissed.

14. No order as to costs.

**ANIL KSHETARPAL, J.**

**HARISH VAIDYANATHAN SHANKAR, J.**  
**DECEMBER 11, 2025/nd/kr**