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

Date of decision: 12.02.2026

+ ARB.P. 275/2026, I.A. 3907/2026 (Ex.) & I.A. 3908/2026
(Delay of 2 years and 83 days in Re-filing the petition)

S.B TRANSPORT COMPANYPetitioner

Through: Mr. Vikas Sethi, Mr. Chitresh
Mittal and Ms. Vaishali
Chaudhary, Advocates

versus

STEEL AUTHORITY OF INDIA LIMITEDRespondent

Through: *Nemo*

CORAM:

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

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JUDGEMENT (ORAL)

I.A. 3908/2026 (Delay of 2 years and 83 days in Re-filing the petition)

1. The Objection Petition being ARB. P. 275/2026 [“**present Petition**”], filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, seeks the appointment of Sole Arbitrator.
2. The Petitioner/Applicant, by way of an Application dated 17.12.2025 being I.A. 3908/2026 [“**present Application**”], seeks condonation of delay of 2 years and 83 days in re-filing the present Petition.
3. The present Petition was instituted on 05.05.2023, however, it never came to be listed since the objections raised with regards to the



defects were never cured by the Petitioner. Subsequently, the present Application came to be filed only in December, 2025 seeking condonation of delay in re-filing. This Court deems it appropriate to reproduce the entire Application:

- “1. That the Applicant is the Petitioner in the above-captioned matter, which is pending adjudication before this Hon'ble Court.
- 2. That the Petitioner had filed the present petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator. The said petition was initially filed vide Diary No. 776983/2023 dated 18.05.2023.
- 3. That objections were raised by the Registry on 29.05.2023. Thereafter, this Hon'ble Court remained closed on account of summer vacations from 03 .06.2023 to 30.06.2023.
- 4. That from 01.07.2023 to 30.09.2023, the Petitioner Company did not have any authorised representative available in Delhi to take necessary steps for re-filing the petition. Consequently, the Director of the Company, Mr. Shamal Singh, was authorised to pursue the matter.
- 5. That unfortunately, during this period, the wife of Mr. Shamal Singh was diagnosed with cancer. Due to her serious medical condition and on medical advice, Mr. Shamal Singh was required to devote his time to her treatment and care, which resulted in an unavoidable delay for the period from 01.10.2023 to 31.08.2025 and after due to serious condition the wife of Mr. Sahamal Singh was passed away.
- 6. That thereafter, in September 2025, the counsel for the Petitioner was admitted to hospital due to typhoid and was unable to attend Court matters. He was discharged only after the Diwali vacations and was advised complete bed rest for a further period of fifteen (15) days.
- 7. That after the counsel's recovery, the Petitioner met with the counsel and necessary steps were taken for re-filing the present petition.
- 8. That due to the aforesaid bona fide, unavoidable, and compelling circumstances, a delay of 2 years and 79 days has occurred in re-filing the petition after removal of Registry objections.
- 9. That the delay is neither intentional nor deliberate and has occurred due to circumstances beyond the control of the Petitioner. If the delay is not condoned, the Petitioner shall suffer grave and irreparable loss, whereas no prejudice shall be caused to the Respondent.
- 10. That the present application is being filed bona fide and in the interest of justice.”



4. A perusal of the said present Application reveals that the reasons furnished therein are wholly bald, unsupported by any material, and bereft of documentary evidence. It indicates a lackadaisical approach of the Petitioners in curing the defects within the proper time frame, which is, under the prevalent Rules applicable, limited to a maximum time period of 30 days in aggregate after objections with respect to defects are raised.

5. At this juncture, this Court deems it apposite to emphasise upon the Delhi High Court (Original Side) Rules, 2018, wherein under Chapter IV, Clause 3, a clear procedural framework is prescribed for curing defects in pleadings and documents.

6. It provides where any filing is found to be defective, the Deputy Registrar or Assistant Registrar is required to return the same with objections, granting the filing party limited opportunities to rectify the defects, namely, seven days at a time subject to an outer limit of thirty days in aggregate. Non-compliance within the said period entails procedural consequences, for instance, the matter may be placed before the Court for dismissal for non-prosecution, or, if refiled beyond the permissible period, can be entertained only upon an application seeking condonation of delay. The said Rule reads as under:

“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 of the said pleading/ document.

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

7. The said Rule has come up for consideration in numerous cases, wherein the courts have consistently held that although the rigour applicable to initial filing and re-filing may differ, such distinction does not imply that the Rules prescribing a specific period for re-filing are rendered otiose. Delay in filing undoubtedly keeps the finality of a decision in abeyance. Similarly, delay in re-filing, if not viewed with equal seriousness, perpetuates uncertainty. A delay of 2 years and 83 days in re-filing the present petition is egregious and cannot be condoned on any principle of leniency.

8. A Division Bench of this Court in ***DDA v. Durga Construction Co.***¹, in a similar scenario concerning delay in re-filing, made the following observations:

“20. It follows from the above that once an application or an appeal has been filed within the time prescribed, the question of condoning any delay in re-filing would have to be considered by the Court in the context of the explanation given for such delay. In absence of any specific statute that bars the jurisdiction of the Court in considering the question of delay in re-filing, it cannot be accepted that the courts are powerless to entertain an application where the delay in its re-filing crosses the time limit specified for filing the application.”

21. Although, the courts would have the jurisdiction to condone the delay, the approach in exercising such jurisdiction cannot be liberal and the conduct of the applicant will have to be tested on the anvil of whether the applicant acted with due diligence and dispatch. The applicant would have to show that the delay was on account of reasons beyond the control of the applicant and could not be avoided despite all possible efforts by the applicant...”

¹ 2013 SCC OnLine Del 4451



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(*emphasis added*)

9. To augment, a Division Bench of this Court in *Shivaai Industries Private Limited v. Delhi Transport Corporation*², while considering and upholding the decision of a Co-ordinate Bench in a similar circumstance involving a delay of 427 days in re-filing, emphasized the aspect of necessity to explain the delay in re-filing.

10. In the present case, the factual narration indicates that the date of one incident immediately follows an earlier incident and the same appears to be nothing but a calculated attempt to justify the inordinate delay in re-filing the present Petition, and therefore does not inspire the confidence of this Court.

11. The total delay in re-filing amounts to a substantial period of 2 years and 83 days. This court is of the opinion that explanations sought to be advanced by way of the present Application are neither credible nor satisfactory and are completely inadequate, being devoid of any cogent reasons.

12. In view of the aforesaid, the present Application is rejected.

ARB.P. 275/2026, I.A. 3907/2026 (Ex.)

13. In view of the foregoing, the present Petition along with, any other application(s), also stands dismissed.

14. There shall be no orders as to cost.

HARISH VAIDYANATHAN SHANKAR, J.
FEBRUARY 12, 2026/rk/kr/dj

² 2019 SCC OnLine Del 10672



2026-DHC:1251

