



2025:DHC:6314



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

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Date of decision: 25th July, 2025

+ O.M.P. (COMM) 535/2024 with I.A. 47901/2024

C K INFRASTRUCTURE LIMITED

.....Petitioner

Through: Mr. Achal Gupta and Ms. Chanchal
Gupta, Advocates.

versus

NATIONAL HIGHWAYS AND
INFRASTRUCTURE DEVELOPMENT CORPOATION
LIMITED

.....Respondent

Through: Mr. Shiv Kumar Pandey, Mr. Anshul
Rai and Mr. Rajan Parmar,
Advocates.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

AMIT BANSAL, J. (Oral)

1. I.A. 47901/2024 has been filed on behalf of the petitioner under Section 14 of the Limitation Act, 1963 seeking condonation of 9 days' delay in filing the present petition under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter 'Act').

2. At the outset, Mr. Achal Gupta, counsel appearing on behalf of the petitioner, submits that the present petition has been filed within the prescribed period of limitation and this application has been filed only out of abundant caution.



3. It is the case of the petitioner that the impugned award was passed and served upon the petitioner through email on 15th July, 2024. The petitioner thereafter filed a petition under Section 34 of the Act titled ***C K Infrastructure v. National Highway and Infrastructure Development Corporation Limited, OMP (COMM) 225/2024***, before the Commercial Court, Patiala House Courts, New Delhi. The said petition was filed on 14th October, 2024, *i.e.*, within the 90 days' prescribed period of limitation. A screenshot from the e-filing portal of Patiala House Courts, New Delhi has been filed on behalf of the petitioner to substantiate the aforesaid filing before the Patiala House Courts on 14th October, 2024 (*refer Document 15 at page 1283 of the documents filed with the petition*).

4. Counsel of the petitioner submits that the aforesaid petition was listed before the District Judge (Commercial Court-03), Patiala House Courts, New Delhi. The Court, *vide* order dated 6th November, 2024, held that it does not have the pecuniary jurisdiction to entertain the said petition. Therefore, the said petition was returned with liberty to the petitioner to file the said petition before a court having appropriate pecuniary jurisdiction. The petitioner was also given the benefit of Section 14 of the Limitation Act, 1963. The relevant extracts of the aforesaid order dated 6th November, 2024 are set out below:

“The pecuniary jurisdiction of the District Court, (Commercial) is upto Rs. 2 crores in view of the order of the Hon’ble High Court dated 07.07.2018 bearing No.3070-80/DHC/Gaz/G-1/2018. Since the amount of the claims and counter claims exceeds the pecuniary jurisdiction of this court, this petition is returned in original after retaining attested copy of the same on record with liberty to the petitioner to file before the court of appropriate pecuniary jurisdiction. The petitioner is given benefit of Section 14 of The Limitation Act, 1963.”



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5. It is further the case of the petitioner that the aforesaid petition was returned only on 11th November, 2024 and the same was filed before this Court on 20th November, 2024.

6. Counsel for the petitioner submits that certain defects were marked in the present petition filed before this Court which were subsequently cured, as also reflected in the noting dated 10th December, 2024. The present petition was thereafter listed before the Court on 11th December, 2024. Therefore, counsel for the petitioner submits that the present petition has been filed within the prescribed period of limitation.

7. Mr. Shiv Kumar Pandey, counsel appearing on behalf of the respondent, submits that the petition under Section 34 of the Act was filed on behalf of the petitioner for the first time before the Commercial Court, Patiala House Courts, New Delhi on 24th October, 2024 and, therefore, was not within the prescribed period of limitation. Reliance in this regard is placed on the case status page with respect to the said petition extracted from the website of New Delhi District Court, Delhi (<https://newdelhi.dcourts.gov.in/>) filed with the written submissions on behalf of the respondent (*refer Annexure R/1 to the written submissions filed on behalf of the respondent*). He submits that the aforesaid extract reflects that the date of filing of the said petition was 24th October, 2024.

8. Counsel for the respondent further submits that the index of the petition filed before the Patiala House Courts, New Delhi is dated 19th October, 2024, to which counsel for the petitioner responds that the same is due to the fact that the said petition was re-filed after curing the defects marked in the original petition. Mr. Gupta submits that this fact is evident



from the list of dates as well as the supporting affidavit filed with the said petition, both of which are dated 11th October, 2024.

9. I have heard counsel for the parties and perused the material on record.

10. At the outset, it is to be noted that the screenshot from the e-filing portal of Patiala House Courts, New Delhi relied upon on behalf of the petitioner shows the date of registration of the petition filed before the said Court as 14th October, 2024. The petitioner, in support of its submission, has also placed reliance on the e-Court Fee stamp, which was purchased on 14th October, 2024 and filed with the aforesaid petition filed before the Commercial Court, Patiala House Courts, New Delhi (*refer Document 15 at page 1234 of the documents filed with the petition*).

11. It is hard to believe if the e-Court Fee stamp was purchased on behalf of the petitioner on 14th October, 2024, why would the petitioner delay the filing of its petition to 24th October, 2024.

12. Therefore, in my considered view, the petitioner has placed on record sufficient material to show that the original filing before the Commercial Court, Patiala House Courts, New Delhi was done on 14th October, 2024, which was within the prescribed period of limitation.

13. As regards the case status page relied upon by counsel for the respondent, it appears that the date of 24th October, 2024 is the date when the defects were cured.

14. Accordingly, in my considered view, there was no delay in filing the original petition before the Commercial Courts, Patiala House Courts, New Delhi. Even though there was no time limit given by the Commercial Court,



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Patiala House Courts, New Delhi to file the petition before the competent court having jurisdiction, the petition was filed before this Court within 9 days of its return.

15. Therefore, there is no delay in filing the present petition.
16. Accordingly, I.A. 47901/2024 stands disposed of.
17. List for hearing on 18th November, 2025.

AMIT BANSAL, J

JULY 25, 2025

Vivek/-