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

% *Date of Decision : 01.04.2026*

+ **FAO(OS) (COMM) 34/2026**

BRIJ LAL AND SONS

.....Appellant

Through: Mr. Tilak Raj Gogia, Appellant in person.

versus

UNION OF INDIA

.....Respondent

Through: Mr. Tushar Sannu, Ms. Ankita Bhadouriya and Mr. Fajallu Rehman, Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

V. KAMESWAR RAO, J. (ORAL)

CM APPL. 20415/2026 (Early Hearing)

1. For the reasons stated in the application, the same is allowed.
2. The application is disposed of.

FAO(OS) (COMM) 34/2026, CM APPL. 11726/2026

3. This Intra-Court appeal has been filed challenging the order dated 11.11.2025 passed in OMP (Comm.) No. 258/2020 titled as "*M/s Brijlal & Sons v. Union of India*" whereby the learned Single Judge has dismissed the application filed by the petitioner wherein the petitioner has sought cost of



the proceedings.

4. The learned Single Judge has dismissed the application by stating in paragraph 4 onwards in the following manner:-

“4. A perusal of paragraph 'J' shows that the petitioner has only paid a sum of Rs. 55,000/- for the second Award. He has multiplied the said figure of Rs. 55,000 into 13 times and has calculated a figure of Rs. 7,15,000/-

5. On my questioning, it is stated by Mr. Gogia, the petitioner who appears in person that there is no other documentary proof except the payment of Rs. 55,000/-.

6. In the absence of supporting documents, this Court cannot award costs in favour of the petitioner. Additionally, even in the statement of claims filed by the petitioner, no prayer for costs has been made.

7. Accordingly, the application is dismissed.”

5. The submission of the appellant is primarily that the appellant apart from incurring expenses of Rs.55,000/-, has also paid Rs.1,16,000/- as fee to the Arbitrator, as such, the learned Single Judge could not have dismissed the application and in any case, the petition under Section 34 of the Arbitration and Conciliation Act, 1996 (“Act”) is still pending consideration, the learned Single Judge should have heard and decided the application along with Section 34 petition for the reason the Court, if convinced, could award cost in favour of the appellant and against the respondent.

6. Though, the learned counsel for the respondent states that he has no instructions, as a short issue arises for consideration, we deem it appropriate to dispose of the appeal by stating that the learned Single Judge could not have dismissed the application, more so, when the main petition filed under Section 34 of the Act is pending consideration. Surely, the appellant shall be



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within his right to press for cost during the hearing of the petition under Section 34 of the Act.

7. We set aside the order dated 11.11.2025, and hold the appellant shall be within his right to press for cost of Rs. 55,000/- and any other amount, which the appellant may claim as cost, duly supported by documents, before the learned Single Judge.

8. The application being I.A. 11934/2025 in OMP (Comm.) 258/2020 is revived to be decided along with the said OMP (Comm.).

9. All the contentions of the respondent on the application are left open to be canvassed before the learned Single Judge at the time of hearing of the petition under Section 34 of the Act.

10. The earlier date already fixed i.e. 14.05.2026 stands cancelled.

11. Pending application, if any, is disposed of as infructuous.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

APRIL 01, 2026/sr