

MHAK010029562024



Civil M. A. No. 467/2024  
National Highways Vs.  
Shakuntala Gawande and Ors.,

**Order below Exh. No. 01**  
(Dtd. 06<sup>th</sup> March, 2025)

The applicant has moved this application under Section 34 (3) of the Arbitration and Conciliation Act 1996 and prayed to condone delay of 28 days caused for filing application seeking to set aside the Arbitral Award passed on 12.03.2024.

**02]** It is the contention of applicant that, the said impugned award though passed on 12.03.2024 but communicated to him on 19.03.2024. Therefore, the application U/s. 34 of said Act seeking to set aside said award ought to have been filed within the period 90 days i.e. on or before 18.06.2024. But, for obtaining the important and necessary documents from concerned authorities and for getting sanction regarding filing of appeal, some time required and consequently delay is caused in moving the application. Therefore, is not deliberate. Therefore, he prayed to condone the same and to extend the said period by exercising the powers U/s. 34(3) of said Act.

**03]** Per contra, the non-applicant No.1 strongly opposed the application on the count that the delay caused is not properly calculated and the applicant is suppressing real fact as the delay of

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02 months 19 days is caused for moving the application. Not only that but the reason submitted for causing delay is not cogent and convincing. The applicant in order to avoid payment granted by arbitral award deliberately caused delay in the proceeding. Therefore, it can not be condoned. On this count, he prayed to reject the application.

**04]** Heard both the sides at considerable length. Perused the record. It appears that, the impugned award is passed on 12.03.2024 and the applicant has received copy of it on 19.03.2024. Therefore, as per Section 34 of said Act the application seeking to set aside the said award ought to have been moved within the period of three months and therefore definitely it should have been moved on or before 18.06.2024. But, on perusal of the record, it appears that it is moved on 31.08.2024. Therefore, from this it clearly appears that there is delay of 02 months 13 days in moving the said application. Therefore, it clearly appears that the applicant has not calculated the said delay properly and wrongly stated that only delay of 28 days is caused. The applicant has only prayed to condone the delay of 28 days and not the delay of said further period. Therefore, firstly for the said reason, the present application is liable to be rejected.

**05]** Moreover, if the reason for causing said delay is considered then it appears that as per the contention of applicant he required time to collect the documents from concerned authority and also to obtain sanction from the competent authority. It can not be ignored that though the applicant is the public authority but no any

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special treatment can be given to him. The said reason submitted is absolutely unacceptable as there is no document on the record to prove when the applicant has applied to any concerned department for the relevant documents and when he got the documents and the sanction. Not only that but it appears that the present application is prepared on 16.07.2024 and filed on 31.08.2024. When the application is signed by authorized person on behalf of applicant on 16.07.2024 then why it required 15 days only for presentation to the Court. It clearly shows the lethargetic approach of the applicants towards the Court proceedings.

**06]** The Ld. counsel for respondent No.1 has invited my attention to the ratio laid down by the Hon'ble High Court of Bombay in the case of **Executive Engineer National Highway Division Vs. Sanjay Shankar Surve**, [Arbitration Appeal No. 8703/2024 dtd. 05.02.2025]. In the said case the the Hon'ble High Court has considered that the main object of Arbitration Act is requiring speedy resolution of dispute and by such conduct of public authorities it will be frustrated. In said case the Hon'ble High Court has declined to condone delay for the same reason. The said ratio squarely applies to case in our hand.

**07]** Therefore, relying on the ratio laid down by the Hon'ble High Court in the case as referred supra and also considering the fact that the applicant has not properly calculated and explained the delay actually caused for moving the application and as there is no any sufficient and cogent reason to condone the delay, I am of the

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opinion that the present application is liable to be rejected. Hence, for the said reason, I proceed to pass following order :-

**- ORDER -**

The application stands rejected.

Date : 06.03.2026  
Akola.

( Rahul A. Shinde )  
District Judge-3, Akola.

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**Certificate**

I affirm that the contents of this P.D.F. file are same word for word as per original order.

Name of Steno : S. D. Tekade, Stenographer, Grade-II.  
Court Name : District Judge-2, Akola.  
Date of Order/Judgment : 06.03.2026  
Signed by Presiding on : 06.03.2026  
Uploaded on : 07.03.2026