

10 OMP (COMM.) 132/25

UNION OF INDIA THROUGH EXECUTIVE ENGINEER VS.
JAI PRAKASH AND SONS

22.12.2025 (At 12:20 p.m.)

Present: Ms. Ruby, ld. counsel for petitioner.
Sh. Saurav Singh Yadav (appearing through V/C), ld.
counsel for respondent.

1. Submissions heard on application for condonation of delay. As per this application of petitioner, Award was passed and received by the petitioner on 24.02.2025. On 09.05.2025 this Award was forwarded by petitioner to law officer to take legal opinion and to get final approval to challenge the Award, from the competent authority.
2. As per ld. counsel, approval was received on 20.05.2025 and thereafter, letter was written on 29.05.2025 to In-charge (Litigation), Ministry of Law and Justice, Tis Hazari Courts, New Delhi, to appoint a Government Counsel. Thereafter, on 16.06.2025, Government Panel Counsel was appointed to challenge this Award. Thereafter, petitioner immediately contacted the Government Panel Counsel and briefed the history. On 19.06.2025, Government Panel Counsel sent the draft, which was approved on 20.06.2025 and supplied to Government Panel Counsel on 20.06.2025. It is further submitted that there are procedural formalities in the Government Departments, which were to be completed before filing the objection petition in the court of law. Due to which, objection petition could not be filed within time. It is pleaded that there is delay of 27 days in filing the petition and same be condoned.
3. Ld. counsel for respondent submitted that this petition was filed beyond maximum period of 120 days. Ld. counsel for petitioner

furnishes print of e-filing to mention that this print shows case entry on 20.06.2025. However, same print shows that this filing was completed on 07.08.2025. Ld. counsel for petitioner submitted that at times it happens that due to objection, filing is not completed on same day.

4. Heard and perused. As per stipulated time period, the petition had to be filed within 90 days from 24.02.2025, which lapsed on 24.05.2025. Admittedly, the so called procedural formalities were not completed by that time. Rather, application shows that this procedural formalities started since 09.05.2025 itself i.e. after lapse of two (2) and half months.
5. Moreover, it is wrongly pleaded that this petition was filed with delay of 27 days. Such wrong plea being taken in the application cannot be appreciated. The date of 20.06.2025 as mentioned in this application was masked with white fluid itself. Ld. counsel for petitioner submitted that affidavits were attested on 19.06.2025. This does not show that the petition was actually filed completely on 20.06.2025. If a person simply initiate the process without completing it, same cannot be treated as complete filing of the petition.
6. A detailed report was called from Filing Section, which shows that after 20.06.2025 with incomplete filing another attempt was taken to again e-file it on 02.08.2025. However, probably that also suffered with certain objections, therefore, finally it was again e-filed on 07.08.2025. Thus, it is also clear that after 20.06.2025, the next step to remove the objection or to file it completely, was taken much after lapse of 120 days from the date of receiving the Award, i.e. on 02.08.2025, which shows continuing lethargic approach on the part of petitioner.

7. It is well apparent to me that the petitioner department had been lethargic to initiate the procedural formalities after lapse of two (2) and half months. It is no longer res integra that Government Department are also duty bound to act in accordance with the mandate of limitation laws. Reliance is placed upon the observations made by Hon'ble Supreme Court in the case of **Office of the Chief Post Master and Ors. v. Living Media India Ltd. & Anr. AIR 2012 Supreme Court 506.**
8. I do not find any petitioner to be entitled for extra indulgence and at the same time it is settled law that the court cannot condone the delay after lapse of 120 days (Ref. **SCG Contracts India Pvt. Ltd. v. K.S. Chamankar Infrastructure Pvt. Ltd. & Anr. AIR 2019 SUPREME COURT 2691**). In view of the same this application has to be dismissed.
9. Consequently, the petition under Section 34 of the Arbitration and Conciliation Act, 1996, is found to be time barred and same also stands dismissed.
10. File be consigned to record room after due compliance.

(Pulastya Pramachala)
District Judge (Commercial Court-01),
Patiala House Courts Complex,
New Delhi/22.12.2025