



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

908 ARBITRATION APPEAL NO. 9 OF 2019

NATIONAL HIGHWAYS AUTHORITY OF INDIA, REPRESENTED BY
IT S PROJECT DIRECTOR

VERSUS

ANIL D. SONJE AND ANOTHER

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Advocate for Appellant :

Mr. Deepak S Manorkar

Advocate for Respondents No.1&2 :

Ms. S. A. Kale h/f. Mr. A. B. Kale

...

WITH

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ARBITRATION APPEAL NO. 10 OF 2019

NATIONAL HIGHWAYS AUTHORITY OF INDIA, NASHIK,
REPRESENTED BY IT S PROJECT DIRECTOR

VERSUS

KAILASBAI BABULAL OZA AND OTHER

...

Advocate for Appellant : Mr. Deepak S Manorkar

Advocate for Respondents No.1 to 9 :

Ms. S. A. Kale h/f. Mr. A. B. Kale

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 17.04.2026

PER COURT:

1. Heard.

2. The applications under Section 34 of the Arbitration and Conciliation Act, 1996 are dismissed as there is delay beyond permissible limit of 90 + 30 days. The District Court has observed that there was no application under Section 33 submitted by the



National Highways Authority. The delay in filing application under Section 34 of the Arbitration and Conciliation Act is of 26 days beyond the first three months + 30 days. The Court does not have the power to condone the delay beyond the period of three months + 30 days. As such, the application filed under Section 34 was rejected.

3. I see no error in the orders of the District Court in dismissing the applications as the Court has no power to condone the delay beyond 3 months + 30 days in filing the Application under Section 34 of the Arbitration and Conciliation Act.

4. Similar view is taken by the Delhi High Court in the case of **Delhi Metro Rail Corporation Ltd. Vs. HCC Samsung JV**, **2025 SCC OnLine Del 1046** and by the Hon'ble Supreme Court in the case of **State of Arunachal Pradesh Vs. Damani Construction Co.**, (2007) 10 SCC 742.

5. The Arbitration Appeals stand dismissed.

[ARUN R. PEDNEKER, J.]

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