

Project Director, NHAI & Another versus Anil Kumar & others

Arbitration Appeal No. of 2026

04.05.2026

Present: Mr. Sumit Raj Sharma, Advocate for the appellants.

Mr. Yug Singhal, Advocate for respondents No.1 to 3, 4(a) to 4(d).

Mr. Tejasvi Sharma, Additional Advocate General with Ms. Ranjna Patial, Deputy Advocate General, for respondent No.5.

OMP (M) No.382 of 2025

By way of the present application, indulgence of this Court has been sought to condone the delay in filing the main appeal, which, as per the report of the Registry, is 53 days, on the ground that the judgment dated 7.3.2025, was passed by the learned District Judge, Mandi and copy of the same was applied on the same day, which was delivered to the applicants on 25.04.2025. Thereafter, the same was submitted to the higher authority for engagement of counsel for filing the appeal.

2. On the basis of the administrative exigencies, a prayer has been made to condone the delay.

3. When put to notice, reply to the application, has been filed, in which, the prayer, as made, in the application, has been opposed on the ground that the so called 'procedural steps' and 'engagement of counsel' are

routine administrative functions and cannot constitute sufficient cause.

4. On the basis of the above facts, a prayer has been made to dismiss the application.

5. Heard.

6. The main stress of the respondent to oppose the prayer for condonation of delay is that the alleged 'procedural steps' and 'engagement of counsel' do not fall within the definition of 'sufficient cause'.

7. The term 'sufficient cause' has nowhere been defined under the Limitation Act, however, in the ordinary parlance, it means, the things, which are beyond the control of the applicants. Reply is totally silent about the goal, which the applicants are going to achieve, by not preferring the appeal within the prescribed period of limitation, had the applicants been not prevented to do so by the reasons, as mentioned, in the application.

Definitely, the applicants are impersonal machinery and act through human agency and before filing the appeal, certain procedures are to be followed. Consequently, the present application is allowed and the delay in filing the main appeal is ordered to be condoned.

The application stands disposed of.

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Be registered.

Admit

OMPST 45899/2025

The main appeal has been admitted for final hearing, the disposal of which will take sufficient long time, as such, during the pendency of the appeal, the execution of the award dated 30.05.2023, passed by the learned Divisional Commissioner-cum-Arbitrator, under the National Highways Act, is ordered to be stayed, subject to deposit of the entire awarded amount, along with upto date interest, within a period of eight weeks. The application stands disposed of. Modification/alteration/vacation on motion.

**(Virender Singh)
Judge**

May 04, 2026 (ps)