

State v. H.S. Engineering and Associates**OMP(M) No. 21 of 2023**

4.7.2023

Present

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the applicants/petitioners.

Mr. Ankit Midha and Mr. Jiwan Kumar, Advocates, for the respondent.

OMP(M) No. 21 of 2023

By way of instant application filed under S.34(3) of the Arbitration and Conciliation Act read with S.5 of Limitation Act, prayer has been made on behalf of the objectors/petitioners for condonation of delay in filing the accompanying petition under S.34 of the Act, for setting aside arbitral award dated 27.9.2022.

Reply to the application stands filed on behalf of the non-applicant/respondent, wherein prayer for condonation of delay has been opposed on the ground that no plausible explanation has been rendered on record qua the delay in maintaining the accompanying petition under S.34 of the Act. Having perused the averments contained in the application, which is duly supported by an affidavit, this court finds that the award laid challenge in the accompanying petition was passed on 27.9.2022 and a signed copy of the same was received by the objectors on 3.10.2022, as such, 90 days period for filing objections, if any, under S. 34 expired on 31.12.2022, however, in the case at hand, petition under S.34 of the Act has been filed on 3.1.2023, meaning thereby, there is delay of 10 days in filing the accompanying application.

As per S.34(3) of the Act, objections, if any, under S.34 of the Act can be filed within 90 days, from the date of receipt of signed copy of award, but such period can be extended by 30 days, if court is satisfied that the delay in filing the petition is on account of circumstances, which were completely beyond the control of the

petitioners, as such, delay of 10 days, which otherwise has been sufficiently explained, is condoned. Application stands disposed of.

Arbitration Case No. of 2023

Be registered.

Notice. Mr. Ankit Midha, Advocate accepts notice on behalf of the respondent. Reply be filed within four weeks. Record of learned Arbitrator be called for.

OMPST No. 5557 of 2023

Operation and execution of award dated 27.9.2022 passed by learned Arbitrator in Arb. Case No. 11 of 2020 titled H.s. Engineering and Associates v. State of Himachal Pradesh and others, is stayed, subject to deposit of entire awarded amount, within two weeks, if not already deposited. Application stands disposed of.

OMP No. 284 of 2023

Present application is dismissed as infructuous, in view of order passed in OMPST No. 4685 of 2023.

Copy *Dasti*.

(Sandeep Sharma)
Judge

July 4, 2023
(vikrant)