

ITEM NO.4

COURT NO.6

SECTION IV-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 17812/2019

(Arising out of impugned final judgment and order dated 07-12-2018 in FAO No. 7387/2018 passed by the High Court Of Punjab & Haryana At Chandigarh)

NATIONAL HIGHWAYS AUTHORITY OF INDIA & ANR.

Petitioner(s)

VERSUS

SUBHASH BINDLISH & ORS.

Respondent(s)

**(IA No. 92898/2019 - CONDONATION OF DELAY IN FILING
IA No. 92899/2019 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)**

**Date : 14-08-2019 These matters were called on for hearing today.
CORAM :**

**HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE VINEET SARAN**

**For Petitioner(s) Mr. Ravi Bharuka, Adv
Mr. Sunny Kadiyan, Adv.
Mr. Sarvshree, Adv.
Mr. Justine George, Adv.
Mr. Aditya Singhal, Adv.
Mr. Devashish Bharuka, AOR**

For Respondent(s)

**UPON hearing the counsel the Court made the following
O R D E R**

Delay condoned.

**Heard Mr. Devashish Bharuka, learned counsel for the
petitioners.**

**In the present case, the application for setting aside
the arbitral award was preferred beyond 120 days and as such the
Courts below found that there was a specific bar under Section
34(3) of the Arbitration and Conciliation Act, 1996. Reliance was**

also placed on the decision of this Court in Directorate of Enforcement vs. Ashok Kr. Jain reported in (1998) 2 SCC 105.

According to Mr. Bharuka, as a result of amendment effected in the year 2015, sub-section 2 of Section 36 which dealing with Enforcement now stands amended. Thus, the earlier regime available under Section 36, to a certain extent, has been diluted and it is his submission that the relaxation of the regime under Section 36 must have some reflection on the term "but not thereafter" as appearing in Section 34 (3) of the Act.

In our considered view, both these provisions stand on different footings. What is provided under Section 34(3) is the outer limit within which the application can be preferred for setting aside the arbitral award. The law laid down on the point by this Court is very clear and in our view the subsequent amendment in 2015 would not change the character of the mandate under Section 34(3) of the Act.

We, therefore, see no reason to interfere in the matter. The special leave petition is dismissed.

Pending applications, if any, shall also stand disposed of.

(INDU MARWAH)
COURT MASTER

(SUMAN JAIN)
BRANCH OFFICER