IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2026

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Application No.5687 of 2025
in
Arb.O.P.(Com.Div.) Dr.No.185414 of 2025

Akshaya Private Limited
A company incorporated under the Companies Act,
having its registered office at
7th Floor, 117/1, LB Road, Adyar,
Chennai – 600 020.
Presently at: No.28/32, 2nd Floor,
2nd Main Road, Kasturibai Nagar,
Adyar, Chennai – 600 020. … Applicant

vs.

B.L.Kashyap & Sons Limited
A Public Limited Company,
having its registered office at
No.409, 4th Floor, DLF Tower,
New Delhi – 110 025.
Also Having Office at
4th Floor, West Wing,
Soul Space Paradigm,
Near Innovate Multiplex,
Outer Ring Road,
Marathahalli – Bangalore 560 037. … Respondent

Application filed under Order XIV, Rule 8 O.S.Rules read with Section 151 of the Code of Civil Procedure praying to condone the delay of 231 days in representing the Section 34 Petition in Arb.O.P.

(Com.Div.) D.No.185414 of 2025 and consequently, allow the application herein.

For Applicant : Mr.Sandeep Kumar Ambalavanan

For Respondent : Mr.K.Harishnkar
for Mr.Ramasubramaniam Raja

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ORDER

This application has been filed seeking condonation of delay of 231 days in representing the petition under Section 34 of the Arbitration and Conciliation Act, 1996 [for brevity 'the Act'].

2. When this application came up for hearing on 21.01.2026, this Court passed the following order:

> "The memo of objection has been filed on behalf of the respondent. The Registry is directed to put up the memo of objection in the case bundle.
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> 2. The main objection that was raised by the learned counsel for the respondent is that on 28.01.2025, what was filed by the petitioner was only the award along with the Court fees and nothing more. In view of the same, such filing is non-est. The actual filing as evident from the Court records, took place only on 24.10.2024 and by then, the period of limitation had already expired.
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> 3. In response to the above submission, the learned counsel for the petitioner submitted that even on 28.01.2025, the Court fees was annexed along with the copy of the petition filed under Section 34 of the Act and it was accompanied by the award. The papers were returned pointing out certain defects and

the defects were corrected and the papers were represented on 24.10.2025. Such representation of the petition on 24.10.2025 is evident from the Court records. The learned counsel further submitted that the petition filed on 28.01.2025 was returned on 07.02.2025 and in the return endorsement, it has been stated as to how this petition is maintainable. Hence, if the petition was not available as on the date of filing on 28.01.2025, the Registry could not have returned by stating as to how the petition is maintainable.

4. This Court wants to ascertain as to what was actually filed by the petitioner on 28.01.2025. Hence, the Registry is directed to put up a note.

5. Post this case under the same caption on 27.01.2026."

3. Pursuant to the above order, Registry has circulated a note along with relevant documents. It is seen that on 28.01.2025, learned counsel for petitioner had filed the petition, vakalath, award and had also paid the Court fees. Therefore, it is evident that the petition and vakalath were also presented at the time of filing on 28.01.2025. Hence, there was an effective filing even as on 28.01.2025.

4. The next issue is regarding the delay in representation. There is a delay of 231 days in representation. The reasons have been assigned in paragraph Nos.10 to 13 in the affidavit filed in support of the application. Apart from that, additional affidavit has also been filed to the effect that the applicant was focussing on the cases before the NCLT to

ensure that the applicant company does not go into the process of liquidation.

5. This Court carefully considered the submission made on either side and the materials available on record.

6. Insofar as delay in representation is concerned, the same will not come within the ambit of Section 34(3) of the Act. However, since it is a commercial litigation, the application seeking condonation of delay in representation cannot be dealt with leniently as is done in regular civil cases, more particularly, where the delay is quite substantial.

7. In the case in hand, reasons have been assigned for the delay in representation and they seem to be reasonable. Hence, this Court is inclined to condone the delay in representation by putting the applicant on terms.

In the result, this application is allowed on condition that the applicant pays cost of Rs.1,50,000/- [Rupees One Lakh and Fifty Thousand only] to the learned counsel for respondent on or before 05.02.2026. On such compliance with the condition, Registry shall

number the main petition, if it is otherwise in order and post it for admission. The name of learned counsel for respondent shall be printed in the cause list at the time of admission.

29.01.2026

Index:Yes/No
NCC:Yes/No
gm

N.ANAND VENKATESH, J

gm

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