

RW/NH-36094/06/2025-S&R(P&B) Comp. No. 256731
Government of India
Ministry of Road Transport & Highways
Transport Bhawan, 1, Parliament Street, New Delhi - 110001

Dated 14th August 2025

To,

1. The Chief Secretaries of all State Governments/Union Territories.
2. The Principal Secretaries /Secretaries of all States/UTs Public Works Department dealing with National Highways, other Centrally Sponsored Schemes and State Schemes.
3. The Engineers-in-Chief and Chief Engineers of Public Works Departments of States/UTs dealing with National Highways, other Centrally Sponsored Schemes and State Schemes.
4. The Chairperson, National Highways Authority of India (NHAI), G-5&6, Sector-10, Dwarka, New Delhi-110075.
5. The MD, NHIDCL, PTI Building, Parliament Street, New Delhi-110001.
6. Director General (Border Roads), Seema Sadak Bhawan, Ring Road, New Delhi-110001.


Subject: Timely filing of Applications under Section 34 of the Arbitration and Conciliation Act, 1996 and seeking advice therein reg.

Sir/Madam,

Please find attached herewith D.O. letter no. A-60011/46/2019-ADMIN-III dated 07.08.2025 received from Dr. Anju Rathi Rana, Law Secretary, Department of Legal Affairs regarding timely filing of Applications under Section 34 of the Arbitration and Conciliation Act, 1996 and time frame for seeking advice from Department of Legal Affairs, Government of India, if required in a case, for information and compliance.

Encl.: As above

Yours faithfully,



(Kusum Ghangas)

EE (Arbitration & Conciliation cell)

For DG (RD) & SS

Copy to:

1. All ADGs, MoRTH HQ
2. All Chief Engineers, MoRTH HQ
3. All ROs, MoRTH

Copy also to:

1. Sr. PPS to Secretary (RTH)
2. PSO to DG (RD) & SS, MoRTH, New Delhi

डॉ. अंजु राठी राणा, भा.वि.से.
Dr. ANJU RATHI RANA, ILS
विधि सचिव
LAW SECRETARY



विधि कार्य विभाग
विधि और न्याय मंत्रालय
भारत सरकार

DEPARTMENT OF LEGAL AFFAIRS
MINISTRY OF LAW & JUSTICE
GOVERNMENT OF INDIA

Dated: 7th August, 2025

D.O. A-60011/46/2019-ADMIN-III



Dear Sir/Madam,

As you are aware, Section 34 of the Arbitration and Conciliation Act, 1996, specifies the grounds on which an arbitral award can be set aside by a court. It further provides that an application to set aside an arbitral award can only be made on specific and limited grounds as enumerated therein.

2. Sub-section (3) of Section 34 stipulates that such an application must be filed within three months from the date of receipt of the arbitral award by the party making the application. The court may condone a delay of up to 30 days beyond this period, provided sufficient cause is shown; however, no condonation beyond this 30-day extension is permissible. The Hon'ble Supreme Court has, in several judgments, reiterated that the limitation period under Section 34(3) is strictly three months, with an additional 30-day extension at the court's discretion for sufficient cause, beyond which no further condonation is allowed.

3. In this regard, the courts, in many cases, have also noted that the State and its instrumentalities are bound by the same limitation rules as any other litigant and cannot claim any special exemption in this regard.

4. In view of the above, you are requested to issue necessary instructions to the officials concerned in your Department who handle such matters. It is imperative that references seeking advice from this Department regarding the filing of applications under Section 34 against arbitral awards be submitted promptly, preferably within 30 days from the date of receipt of the award and after obtaining requisite approvals.

5. Further, it may also be ensured that any application challenging the arbitral award is filed strictly within the prescribed limitation period under Section 34(3) of the Arbitration and Conciliation Act, 1996, to avoid dismissal on the ground of limitation.

With warm regards,

Yours sincerely,

[Signature]

[Signature]
8/8/25

[Signature]

(Dr. Anju Rathi Rana)

AS(H)

DET(RD)

The Secretaries of all the Ministries/Department

Chairman NHAI

MD NHAI

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