IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2026
(arising out of SLP(C) No. 32212/2025)

DESIRE INFRABUILD PVT. LTD. ..... APPELLANT(S)

VERSUS

OYO APARTMENTS INVESTMENTS LLP ..... RESPONDENT(S)

O R D E R

1. **Leave granted.**

2. **Having heard the learned senior counsel appearing for the parties, we find that the issue is squarely covered by the decision of this Court in *C. Velusamy vs. K. Indhera*[1] and more particularly, paragraph 23 thereof. In the light of what has been stated in the aforestated paragraph, it is for the High Court of Delhi to consider on merits whether or not the delay should be condoned, thereby extending the mandate of the Arbitral Tribunal.**

3. **In that view of the matter, the impugned judgment and order dated 18.08.2025 passed by the High Court of Delhi is set aside and O.M.P. (Misc.) (Comm.) No. 115/2025 shall stand restored to the file of the High Court for consideration afresh on facts and in the light of the law laid down by this Court in *C. Velusamy* (supra).**

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Reason:

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4. **As we are informed that a separate order was passed by the High Court of Delhi on 11.03.2026 in O.M.P. (Comm) No. 343/2024, making the same subject to the orders passed by this Court in the present petition, it would be open to the parties to seek restoration of O.M.P. (Comm) No. 343/2024 before the High Court, if warranted.**

5. **The appeal is, accordingly, disposed of.**

Pending applications, if any, stand disposed of.

.....J.
(SANJAY KUMAR)

.....J.
(SANJEEV SACHDEVA)

NEW DELHI;
NOVEMBER 18, 2026.

ITEM NO.4 COURT NO.7 SECTION XIV

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

Petition for Special Leave to Appeal (C) No. 32212/2025

[Arising out of impugned final judgment and order dated 18-08-2025 in OMP (M) (Comm) No. 115/2025 passed by the High Court of Delhi at New Delhi]

DESIRE INFRABUILD PVT. LTD. Petitioner(s)

VERSUS

OYO APARTMENTS INVESTMENTS LLP Respondent(s)

Date : 18-11-2026 This matter was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE SANJAY KUMAR
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

For Petitioner(s) :
Mr. Amit Rawal, Sr. Adv.
Mr. Shikhar Sharma, Adv.
Mr. Suvidutt M.S.- 2401, AOR
Ms. Deepika Singh, Adv.

For Respondent(s) :
Mr. Gaurav Agarwal, Sr. Adv.
Ms. Anuradha Dutt, Adv.
Mr. Chaitanya Kaushik, Adv.
Mr. Avinash Kumar Singh, Adv.
Mr. Saurabh Pal, Adv.
Ms. Seema Mehta, Adv.
Ms. Sreerupa Ghanti, Adv.
Ms. B. Vijayalakshmi Menon- 850, AOR

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

Leave granted.

The appeal is disposed of, in terms of the signed order.

Pending applications, if any, stand disposed of.

(DEEPAK GUGLANI) **(PREETI SAXENA)**
DEPUTY REGISTRAR **COURT MASTER (NSH)**
(signed order is placed on the file)