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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.514 OF 2015
IN
ARBITRATION PETITION (LODGING) NO.514 OF 2014

Mahanagar Telephone Nigam Ltd.	...Petitioner
V/s.	
M/s.SRV Telecom Pvt. Ltd.	...Respondents

Mr.G.D. Talreja i/b G.D. Talreja & Associates for the Applicant /
Petitioner.
Mr.Subodh Gokhale for the Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 25TH JUNE, 2015.

P.C. :-

1. By this notice of motion, the applicant seeks condonation of 19 days delay in filing the arbitration petition. Learned counsel for the applicant invited my attention to the explanations rendered in the affidavit in support of the notice of motion, which according to him caused delay in filing the petition beyond the time prescribed under the Arbitration & Conciliation Act, 1996.
2. The notice of motion is opposed by the respondents on the ground that the delay has not been properly explained and shall not be condoned by this Court.
3. A perusal of the affidavit in support of the notice of motion indicates that the applicant has rendered some reasons and more

particularly that the Senior Manager working with the petitioner was on leave. The Deputy Manager (Legal) of the petitioner was also on leave for quite some time. The applicant was thereafter, required to attend the conference with their panel advocate.

4. Though in my view the delay is not satisfactorily explained fully, in the interest of justice and for the reasons recorded in the affidavit in support of the notice of motion, the notice of motion is made absolute in terms of prayer clause (a) on the condition that the applicant pays the costs of Rs.5000/- to the respondent within two weeks from today. It is made clear that if the costs of Rs.5000/- is not paid within two weeks from today, the order passed by this Court condoning the delay to stand automatically vacated without further reference to the Court.

5. The petitioner is directed to remove all the office objections within two weeks from today, failing which the petition shall stand dismissed without further reference to the Court. If all the office objections are removed within the time prescribed, place the arbitration petition on board for admission on 20th July, 2015. The petitioner shall file the compilation of pleadings and documents in advance and serve a copy thereof upon the respondent's advocate simultaneously.

(R.D. DHANUKA, J.)