

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

APPEAL (LODG) NO.664 OF 2014
IN
NOTICE OF MOTION NO.113 OF 2013
IN
ARBITRATION PETITION (L) NO.478 OF 2013

Ajay Anant Kampali. ...Appellant
V/s.
1.Godrej Infotech Limited & Ors. ...Respondents

Mr.Rakesh Kumar Singh, for the Appellant.

Mr.Mandar Soman, for the Respondents.

CORAM : MOHIT S. SHAH, C.J. AND
G.S.KULKARNI, J.

DATE : 17 March 2015

PC :

1. This appeal under Section 37 of the Arbitration and Conciliation Act,1996 (the Act) is directed against the judgment and order dated 7.5.2014 of the learned Single Judge of this Court dismissing the application for condonation of delay in filing the petition under Section 34 of the Act.

2. There is no dispute about the fact that though Section 34 petition was filed beyond the period of ninety days from the date of service of Award which was 12 December

2012, it was filed within thirty days from the expiry of ninety days from the date of service of the award. Apart from the other explanation given by the appellant, the appellant has stated in the affidavit in support of the Notice of Motion for condonation of delay that the papers were handed over by the appellant to the Advocate on 3 March 2013, but on account of sickness of the Advocate, the petition was not filed immediately. The petition ultimately came to be filed on 2 April 2013.

3. Having regard to the above explanation and having heard the learned Counsel for the parties, we are of the view that the explanation given by the appellant was required to be accepted for condoning the delay of twenty days beyond ninety days period.

4. In view of the above, the appeal is allowed. The impugned order dated 7 May 2014 is set aside and Notice of Motion No.1138 of 2013 is allowed. The petition filed by the appellant under Section 34 of the Arbitration and Conciliation Act, 1996 shall, therefore, be heard and decided on merits.

5. Appeal is accordingly disposed of in the above terms with no order as to costs.

(CHIEF JUSTICE)

(G.S.KULKARNI, J.)