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

NOTICE OF MOTION NO.4672 OF 2007
IN
ARBITRATION PETITION (LODGING) NO.699 OF 2007
WITH
ARBITRATION PETITION (LODGING) NO.699 OF 2007

Shree Shankar Industries ...Applicant

IN THE MATTER BETWEEN :

Shree Shankar Industries ...Petitioner

V/s.

Mahanagar Telephone Nigam Ltd. ...Respondent

None for the Applicant / Petitioner.

None for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 17TH OCTOBER, 2015.

P.C. :-

1. None appeared for the applicant when the matter was called out.
2. By this notice of motion the applicant seeks condonation of delay of 18 months and three days in filing the arbitration petition. A perusal of the affidavit in support of the notice of motion indicates that the applicant was already served with a copy of the award by the learned arbitrator on 6th March, 2006. It is however, the case of the

applicant that the applicant had not received the original of the said award and under their bona-fide belief, the applicant did not file the arbitration petition within three months from the date of receipt of copy of the award.

3. A perusal of paragraph 13 of the arbitration petition also makes it clear that the award was passed on 4th February, 2006 and was furnished to the applicant on or before 6th May, 2006. The arbitration petition is admittedly filed after expiry of three months plus 30 days from the date of receipt of the copy of the award from the learned arbitrator. This Court has no power to condone delay beyond a period of 30 days after expiry of three months from the date of service of the signed copy of the award from the learned arbitrator.

4. The notice of motion is accordingly dismissed.

5. In view of dismissal of the notice of motion, the arbitration petition is also dismissed. No order as to costs.

(R.D. DHANUKA, J.)