

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.19 OF 2016
IN
ARBITRATION APPEAL (L) NO.11439 OF 2016
ALONG WITH
CIVIL APPLICATION NO.20 OF 2016
IN
ARBITRATION APPEAL (L) NO.11443 OF 2016**

Maharashtra Krishna Valley Development
Corporation through its Executive Engineer .. Applicant
Vs.

M/s.Bharat Constructions Engineers
and Infrastructure Contractors, Solapur .. Respondent

Mr.N.N.Singh for the applicant.

Mr.Abhijit Desai a/w Ms.Vrushali Mendarad for the respondent.

CORAM : R.D. DHANUKA, J.

DATE : 29th July 2016

P.C.

. By these civil applications, the applicants seek condonation of delay of 1 year and 214 days in filing the present arbitration appeals.

2. Learned counsel appearing for the applicants submits that since the counsel for the applicants did not give any opinion as to whether the applicants shall challenge the impugned order passed by the learned District Judge-1, Solapur, the appeals could not be filed by the applicants within the time prescribed.

3. Mr.Desai, learned counsel appearing for the respondent invited my attention to the application dated 29th March 2016 filed by the applicants herein before the Executing Court seeking time for making payment in execution of the impugned award. My attention is also invited

to the order dated 29th March 2016 passed by the learned District Judge-5, Solapur below Exhibit-15 in Regular Darkhast No.1 of 2015 recording the request made by the applicants for one month's time to deposit the amount on the ground that the proposal was prepared and sent to the Chief Engineer, Pune for forwarding to the Government. The applicants made a statement before the Executing Court that some formalities were required to be completed for which some time was necessary. Learned District Judge considered the said application and granted time to the applicants to deposit the amount and adjourned the matter 26th April 2016 as a last chance. It was made clear that if the applicants herein failed to show the substantive progress, the Executing Court would be constrained to issue its compelling process.

4. A perusal of the record indicates that the applicants have filed these civil applications for condonation of delay of 1 year and 214 days after the said order dated 29th March 2016 came to be passed by the Executing Court below Exhibit-15. In my view, the applicants have not made out any case for condonation of delay of 1 year and 214 days in filing the present arbitration appeals. In view of the applicants having made a statement before the Executing Court seeking time to deposit an amount, I am not inclined to condone the delay of 1 year and 214 days.

5. A perusal of the civil applications even otherwise do not indicate that the applicants have made out a case for condonation of delay. The civil applications are accordingly dismissed. In view of the dismissal of the civil applications, the arbitration appeals are also dismissed. No order as to costs.

R.D. DHANUKA, J.