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

NOTICE OF MOTION NO.1392 OF 2015
IN
ARBITRATION PETITION (LODGING) NO.333 OF 2015

M/s.Perfect Enterprises ...Applicant

IN THE MATTER BETWEEN :

M/s.Perfect Enterprises ...Petitioner

V/s.

Chief Workshop Manager, Electrical,
Lower Parel Workshop of Western Railway ...Respondent

Mr.Yogendra Singh i/b Auris Legal for the Applicant / Petitioner.

Ms.Sangita Yadav i/b Mr.Suresh Kumar for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 31ST MARCH, 2016.

P.C. :-

1. Learned counsel appearing for the petitioner states that the respondent has been served and undertakes to file affidavit of service within one week from today. The undertaking is accepted.
2. By this notice of motion the applicant seeks condonation of 29 days delay in filing the arbitration petition. It is submitted by the learned counsel for the petitioner that the petitioner was served a copy of the signed award by the learned arbitrator along with covering

letter dated 28th October, 2014. He submits that even if the date of the letter is concerned, there is delay of 29 days in filing the arbitration petition. The arbitration petition is filed on 18th February, 2015.

3. Heard learned counsel for the petitioner. No affidavit in reply has been filed by the respondent. I have perused the affidavit in support of the notice of motion. For the reasons recorded in the affidavit in support of the notice of motion, I am satisfied that the delay of 29 days is satisfactorily explained. The delay of 29 days in filing the arbitration petition is condoned.

4. The notice of motion is accordingly disposed of in aforesaid terms. No order as to costs.

5. If any other office objections are not removed by the petitioners, the same shall be removed within two weeks from today, failing which the arbitration petition shall stand dismissed without further reference to this Court. It is made clear that no further extension would be granted.

6. If the petition is numbered, place the arbitration petition on board for admission after four weeks.

(R.D. DHANUKA, J.)