

vai

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

NOTICE OF MOTION (LODGING) NO.1176 OF 2016
IN
ARBITRATION PETITION (LODGING) NO.405 OF 2016

WITH
ARBITRATION PETITION (LODGING) NO.405 OF 2016

M/s.Jakharia Silk Mills ...Applicant

IN THE MATTER BETWEEN :

M/s.Jakharia Silk Mills ...Petitioner

V/s.

M/s.Mahakali Yarns Pvt. Ltd. ...Respondent

Mr.Akhilesh Singh for the Petitioner.

Mr.Lalit Jain for the Respondent.

CORAM : R.D. DHANUKA, J.

DATE : 15TH APRIL, 2016.

P.C. :-

1. By this notice of motion the applicant seeks condonation of delay of 164 days in filing the arbitration petition. Admittedly the applicant had received a copy of the award on 3rd July, 2015. The arbitration petition was lodged on 17th March, 2016. Under section 34(3) of the Arbitration & Conciliation Act, 1996, the arbitration petition is required to be filed within three months from the date of

receipt of the signed copy of the award from the learned arbitrator. This Court has no power to condone the delay beyond a period of 30 days after expiry of three months from the date of receipt of the signed copy of the award from the learned arbitrator even if sufficient cause is made out. The arbitration petition is admittedly filed after expiry of 30 days after expiry of three months from the date of receipt of the signed copy of the award from the learned arbitrator. The notice of motion is accordingly dismissed.

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

(R.D. DHANUKA, J.)