

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1221 OF 2015
IN
ARBITRATION PETITION (L) NO. 1010 OF 2015

Ketan N. Mehta

..... Petitioner

VERSUS

**Girish Jogani, Partner,
M/s.D.M.Jogani & Co. & Ors.**

..... Respondents

None for the Petitioner/Applicant.

Ms.Rutuja Patil, a/w. Ms.Jinal Gorgi, i/b. Nagandhi Shah & Himayatullah for the Respondents.

CORAM : R.D. DHANUKA, J.

DATED : 17th MARCH, 2016

P.C.

By this notice of motion, the petitioner seeks condonation of delay of 199 days in filing the arbitration petition. A perusal of the affidavit in support of the notice of motion indicates that admittedly the award was passed on 13th January, 2015 and a copy of the award was received by the petitioner on the same day. In paragraph (3) of the affidavit in support, it is mentioned that there is delay of 119 days in filing the petition which is not deliberate or not due to inaction or intentional.

2. This court has no power to condone the delay beyond a period of 30 days and that also if the sufficient cause is made out under section 34(3) of the Arbitration and Conciliation Act, 1996. Notice of motion is accordingly dismissed. In view of the dismissal of the notice of motion, arbitration petition also stand dismissed. No order as to costs.

[R.D. DHANUKA, J.]