

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****NOTICE OF MOTION NO. 1768 OF 2015****IN****ARBITRATION PETITION NO. 927 OF 2015**

Nuruddin Latif Naik

...Petitioner / Applicant

vs.

Mahindra & Mahindra Financial
Services Ltd. & Anr.

....Respondents

Mr. Pradip Kadam for Petitioner.

Mr. Racheal Mascarenhas i/b. Priya Crasto for Respondent No.1.

CORAM : S.C. GUPTE, J.**10 FEBRUARY 2016****P.C. :**

The notice of motion seeks condonation of delay in challenging the arbitration award. The case of the Petitioner is that neither the arbitration proceedings nor the award was served on the Petitioner. The Petitioner did not have notice of the arbitration reference as well as the award passed therein. The Petitioner claims to have received the award as part of the execution notice served on the Petitioner.

2 Learned Counsel for the Respondent submits that the notice of the award was duly served on the Petitioner. Learned Counsel has produced an acknowledgement of the award purportedly by the Petitioner. The petitioner is an individual. The alleged acknowledgement shows the name of one Haroon. It is not known, who this recipient is. Besides that, this acknowledgement appears to be of a date sometime before the passing of the award. In most of the notices which follow this particular notice, the postal remarks seem to be "unclaimed".

3 In the premises, the Petitioner has made out a case that he did not have notice of the award till he received the execution notice on 26 June 2013.

The petition filed on 17 September 2013 is, therefore, within time. The delay, if any, is condoned. After hearing the parties at some length, the petition is admitted. To come up for hearing in due course.

(S.C. Gupte, J.)