

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

**CIVIL APPLICTION ST. NO.24546 OF 2017
IN
APPEAL FROM ORDER NO.307 OF 2017**

Union of India
through Senior Divisional Commercial manager
Central Railway, Pune ... Applicant

IN THE MATTER BETWEEN:
M/s.R & K Associates ... Appellant

Vs.

Chief Commercial Manager
CSTM, Mumbai & Ors. ... Respondents

Mr.T.J. Pandian for the Applicant

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: AUGUST 31, 2017**

P.C. :

1. The matter is called out again at 4 pm. Pursuant to the order passed in the morning, the Registrar (Judicial) has sent a report and has informed that my brother Judge Shri Justice A.A. Sayed was holding the charge of Appeals from Order alongwith arbitration matters.

2. Perused the impugned order dated 5.4.2017. It appears that this order was passed in Appeal from Order and it is not under arbitration proceedings, though appointment of arbitrator was made in the Appeal from Order. Four months time was given to the learned Arbitrator to pass award from the date of reference. As per the submissions of the learned Counsel for the original respondent/Union of India, four months time was over on 18.8.2017. It is submitted by the learned Counsel for the applicant that the matter was mentioned on 18.8.2017. The learned Counsel submitted that on 18.8.2017, the Union of India wanted to mention, however, though notice was given to the learned Counsel for the appellant, none turned up and, therefore, it could not be taken up and today with permission, the matter is listed on today's Board. He submits that the time of arbitration be extended by two months.

3. In the circumstances of the case, time extended by 8 weeks from 18.8.2017. Both the parties shall cooperate.

(MRIDULA BHATKAR, J.)