

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 124 OF 2017
IN
COMMERCIAL ARBITRATION PETITION (L) NO. 147 OF 2017**

Twincity Enterprises Pvt Ltd & Ors.	..Applicants
In the matter of	
Twincity Enterprises Pvt Ltd & Ors	..Petitioners
Vs.	
Keshava Engineering Pvt Ltd	..Respondent

Mr. Archit Jayakar i/b Jayakar & Partners for the Applicants/Petitioners
Mr. S. K. Jain i/b S. K. Jain & Associates for the Respondent

CORAM : R. M. SAVANT, J.
DATE : 24th APRIL, 2017

P.C.

1 By the above Notice of Motion, the Applicants i.e. the Petitioners in the above Commercial Arbitration Petition seek condonation of delay of 27 days in filing the above Commercial Arbitration Petition. The said delay is sought to be explained by the reasons mentioned in paragraphs 6 and 7 of the affidavit in support of the Notice of Motion. The sum and substance of the reasons mentioned in the said paragraphs is that in the month of December 2016 when the Applicants received the award, the Petitioner Nos.3 to 7 and the Petitioner No.2 i.e. the affiant were travelling to Singapore for 10 days. Thereafter it is stated that after coming to Mumbai some time was taken to

research, analyze, strategize and draft the Petition to challenge the award. It is after doing all these things that the above Commercial Arbitration Petition could be filed resulting in the said delay of 27 days.

2 The above Notice of Motion has been replied to on behalf of the Respondent. The reasons mentioned in the said affidavit in support are sought to be questioned, during the course of the hearing of the above Notice of Motion, the Learned Counsel appearing for the Respondent Mr. Jain sought to reiterate the case of the Respondent in the affidavit in reply. It was submitted that after the period of 90 days was over the Applicant could have to account for each day of delay.

3 Having heard the Learned Counsel for the parties, in my view, case for condonation of delay has been made out. The reasons mentioned in paragraphs 6 and 7 of the affidavit in support of the Notice of Motion can be said to be the plausible reasons for the delay of 27 days occurring in filing of the above Commercial Arbitration Petition. The Applicants deserve an opportunity to challenge the award on merits on such grounds as are available to them and which they have urged in the Commercial Arbitration Petition. The Notice of Motion is accordingly allowed and made absolute in terms of prayer clause (a). In the facts and circumstances of the case, the Applicant to pay costs of Rs.10,000/- to the Respondent within 4 weeks from date. List the

Petition for admission after the ensuing summer vacation on 27-6-2017.
Liberty to move the Notice of Motion for interim reliefs if the occasion so
arises. The Notice of Motion is accordingly disposed of.

[R.M.SAVANT, J]