

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

**ARBITRATION PETITION NO.527 OF 2016
WITH
NOTICE OF MOTION NO.1609 OF 2016
WITH
NOTICE OF MOTION NO.1813 OF 2016**

The Municipal Corporation of Brihanmumbai	...	Petitioner
Versus		
M/s Mohinder Singh And Co.	...	Respondent

**WITH
ARBITRATION PETITION NO.358 OF 2016**

M/s Mohinder Singh And Co.	...	Petitioner
Versus		
The Municipal Corporation of Brihanmumbai	...	Respondent

.....

Mr. Harinder Toor a/w R.Y. Sirsikar for the Petitioner in Arbitration Petition No.527 of 2016 and for the Respondent in Arbitration Petition No.358 of 2016.

Mr. Minoo Siodia a/w Mr. Kunal Dwarkadas i/b Rustamji & Ginwala for the Respondent in Arbitration Petition No.527 of 2016 and the Respondent in Arbitration Petition No.358 of 2016.

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CORAM : S.C.GUPTE, J.

DATE : 5 JULY 2017

P.C. :

Notice of Motion No.1813 of 2016

. The Notice of Motion seeks condonation of delay in filing this

Arbitration Petition under Section 30 and 33 of the Arbitration and Conciliation Act, 1940. The delay is of 89 days. The delay is adequately explained in the affidavit in support of the Notice of Motion. Notice of Motion No.1813 of 2016 is, accordingly, made absolute by condoning the delay and allowing the Petitioner to file the petition.

Notice of Motion No.1609 of 2016

2 The Notice of Motion, which seeks stay of the award in view of the impending challenge, is infructuous, since the challenge is actually under Sections 30 and 33 of the Arbitration & Conciliation Act, 1940 and stay of the award must follow any challenge to it by a petition. Notice of Motion No.1609 of 2016 is dismissed as infructuous.

Arbitration Petition No.527 of 2016

3 **Admit.**

Arbitration Petition No.358 of 2016

4 In view of the admission of Arbitration Petition No.527 of 2016, this arbitration petition, taken out by the Respondent seeking a decree in terms of the award, cannot be proceeded with.

5 Arbitration Petition No.358 of 2016 to be taken up alongwith Arbitration Petition No.527 of 2016.

6 At the request of the Respondent, the hearing of the Arbitration Petitions is expedited.

(S.C. GUPTE, J.)