

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

**NOTICE OF MOTION NO.2364 OF 2016
WITH
NOTICE OF MOTION (L) NO.2704 OF 2014
IN
ARBITRATION APPLICATION NO.127 OF 2014**

John Distilleries Pvt. Ltd. Applicant

Vs.

The Government of Maharashtra Respondent
(thru' Principal Secretary of Finance
Department, Mantralaya)

Mr. Ashish Pawar i/by D.B. Savant for the Applicant.
Ms. Jyoti Chavan, AGP for the State-Respondent.

**Coram : G.S. KULKARNI, J.
Date : 12 SEPTEMBER, 2017**

P.C. :

1 By this Motion, the applicant has prayed for recall of the order dated 24 March 2015 dismissing Notice of Motion (L) No.2704 of 2014 in Arbitration Application No.127 of 2014 for non-removal of the office objections. There is delay of 387 days in filing the present Notice of Motion.

2 I have heard learned counsel for the applicant and the learned AGP for the respondent. I have perused the averments as made in affidavit-in-support of Notice of Motion as also additional affidavit filed on behalf of the applicant. The applicant has set out the reasons on account of which the present Notice of Motion could not be filed within the prescribed limitation. From the perusal of the averments, it is quite apparent that the delay in approaching this court was beyond the control of the applicant. The explanation as set out in the said affidavit therefore is bonafide and is required to be accepted as a sufficient reason to condone the delay in filing the present Notice of Motion.

3 The applicant for the reasons as set out in the affidavit could not removed the office objections. The reasons appear to be bonafide. It is, therefore, in the interest of justice that the order dated 24 March 2015 would be required to be recalled and the applicant is permitted to remove the office objections and register the Notice of Motion. Office objections be removed within two weeks

from today. The Notice of Motion is accordingly allowed in terms of prayer clause (a) and (a1), however, subject to the above condition. If the office objections are not removed within the stipulated time, this Notice of Motion (L) No. 2704 of 2014 shall stand dismissed without further reference to the court.

(G.S. KULKARNI, J.)