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

**NOTICE OF MOTION NO. 961 OF 2016
IN
ARBITRATION APPLICATION (L) NO. 327 OF 2011**

M/s Vircon Turnkey Project India Pvt.
Ltd.

...Applicant/Petitioner

vs

Union of India through the General
Manager, Mumbai & Anr.

...Respondents

.....

Mr Yogendra Singh i/b Auris Legal for the Applicant/Petitioner
Mr T.J.Pandian for the Respondents.

.....

**CORAM : B.P.COLABAWALLA, J.
SEPTEMBER 26, 2017.**

P.C.:

This Notice of Motion has been filed to restore the Arbitration Application (L) No. 327 of 2011 which was dismissed for non-removal of the office objections under Rule 986 of the Bombay High Court, Original Side, Rules.

2 I find that there is delay of over four years in this matter. There is an affidavit in reply filed on behalf of the Union of India, through the General Manager, Central Railway. In this

affidavit it is stated that there has been delay of almost four years and the same has not been satisfactorily explained in the affidavit in support.

3 Though I agree with the learned Advocate appearing on behalf of the Respondents, to ensure that the Petitioner is allowed to argue the Section 11 application on merits, the Notice of Motion is allowed in terms of prayer clause (a) subject to the Petitioner paying costs of Rs.50,000/- to the Legal Aid Services of Bombay High Court within a period of two weeks from today, failing which the Notice of Motion shall automatically stand dismissed without further reference to the Court. The Notice of Motion is disposed of accordingly.

(B. P. COLABAWALLA, J.)