

vai

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

NOTICE OF MOTION NO.1463 OF 2017
IN
ARBITRATION PETITION (LODGING) NO.244 OF 2016

WITH
ARBITRATION PETITION (LODGING) NO.244 OF 2016

M/s.Sweta Enterprises ...Applicant

IN THE MATTER BETWEEN :

M/s.Sweta Enterprises ...Petitioner

V/s.

M.T.N.L. & Anr. ...Respondents

Mr.Rakesh Kumar with Mr.Rouhish Pandey i/b Legal Vision for the
Applicant / Petitioner.

Mr.Viral Shukla with Ms.Preeti Shukla i/b Shukla & Associates for the
Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 21ST MARCH, 2018.

P.C. :-

1. Mr.Rakesh Kumar, learned counsel appearing for the applicant states that if three months period is excluded while computing the period of limitation under section 34(3) of the Arbitration & Conciliation Act, 1996, there is delay of only 31 days in filing the arbitration petition.

2. Even if this submission of the learned counsel is accepted, this Court has no power to condone the delay beyond 30 days and that also provided sufficient cause is made out. Even according to the applicant, the delay is more than 30 days. Delay of 31 days cannot be condoned by this Court.

3. The notice of motion is dismissed in the aforesaid terms. No order as to costs.

4. In view of dismissal of the notice of motion, the arbitration petition is also dismissed. No order as to costs.

(R.D. DHANUKA, J.)