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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 409 OF 2017
IN
COMMERCIAL ARBITRATION PETITION (L) NO. 144 OF 2016

Nuclear Power Corporation of India Ltd. ... Petitioner

vs.

M/s. Vasu Chemicals ... Respondents

Mr. Arsh Mishra i/b. M. V. Kini & Co. for the Petitioner.

Mr. Rajiv Jadhav for the Respondent.

CORAM : A.K. MENON, J.

DATE : 23rd JULY, 2018

P. C.

1. By this Notice of motion the petitioner seeks condonation of delay of one day in filing the Arbitration petition under Section 34 of the Arbitration and Conciliation Act, 1996. Learned counsel for the respondent states that he has instructions to oppose the motion.

2. Heard the parties. The record indicates that the award was passed on 10th June, 2016 and copy thereof was served on 14th June, 2016. This petition has been declared on 14th September, 2016 and lodged on 16th September, 2016. In the circumstances the petitioners have sought condonation of delay. The affidavit of one Mr. Suvvada Venu Gopal in support sets out in paragraph 11 and 12 that the

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petitioners were in the process of consulting certain experts in the field of hydraulics and engineering before taking a decision on challenging the award and as a result there was delay in filing the petition. Furthermore although the petition was ready as of 13th September, 2016, there was some difficulty in having it lodged due to deficiency in Court fees. It is in these circumstance that the delay has occasioned.

3. The application is opposed by the respondent on the ground that no case is made out for condonation of delay. Having heard counsel for the parties, I am of the view that there is sufficient ground for condonation of delay. Accordingly, I pass the following order :

- (i) Notice of motion is made absolute in terms of prayer clause (a).
- (ii) Petition shall be numbered subject to removal of all office objections which shall be removed on or before 13th August, 2018 failing which the petition shall stand dismissed without further reference to the Court.
- (iii) If Office objections are removed, place the petition for "Admission" as per CMIS.

(A.K. MENON, J.)