

vai

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

NOTICE OF MOTION NO.2070 OF 2017  
IN  
ARBITRATION PETITION (LODGING) NO.838 OF 2017

Hanumanta G. Jadhav, sole proprietor :  
M/s.Amruta Construction ...Applicant

**IN THE MATTER BETWEEN :**

Hanumanta G. Jadhav, sole proprietor :  
M/s.Amruta Construction ...Petitioner

V/s.  
Union of India & Anr. ...Respondents

Ms.Brenda Barnes i/b Uday Shankar Saudrala for the Applicant /  
Petitioner.

Mr.Vishal Khanavkar for the Respondents.

**CORAM : R.D. DHANUKA, J.**  
**DATE : 12TH APRIL, 2018.**

**P.C. :-**

1. By this notice of motion, the applicant seeks condonation of delay of 25/28 days in filing the arbitration petition. I have heard the learned counsel for the parties and have perused the averments made in the affidavit in support of the notice of motion and also rejoinder. The delay is not fully explained. Interest of justice would be met with if the applicant is directed to pay costs of Rs.10,000/- to the respondents within two weeks from today as a condition precedent for

condonation of delay of 25/28 days in filing the arbitration petition.

2. The notice of motion is accordingly made absolute in terms of prayer clause (a). The delay of 25/28 days in filing the arbitration petition is condoned on the condition that the applicant pays Rs.10,000/- to the respondents within two weeks from today. A copy of the receipt shall be shown to the Associate of this Court by the applicant. If the costs of Rs.10,000/- is not paid within two weeks from today, the relief granted by this Court for condonation of delay to stand vacated and in that event the notice of motion as well as the arbitration petition to stand dismissed without further reference to the Court.

3. The notice of motion is accordingly disposed of in aforesaid terms.

4. Place the arbitration petition on board for admission on 20<sup>th</sup> June, 2018.

5. Affidavit in reply shall be filed within two weeks from today and a copy thereof shall be served upon the petitioner's advocate simultaneously. Rejoinder, if any, shall be filed within two weeks from the date of service of the affidavit in reply and a copy thereof shall be served upon the respondents' advocate simultaneously.

**(R.D. DHANUKA, J.)**