

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 2531 OF 2019 IN
ARBITRATION NO. 6 OF 2017 WITH
CIVIL APPLICATION NO. 2530 OF 2019 IN
ARBITRATION NO. 7 OF 2017**

**TEJAS CONSTRUCTION AND INFRASTRUCTURE PVT.
LIMITED THROUGH IT S DIRECTOR
VERSUS
JAI SHIVSHANKAR SAHAKARI SAKHAR KARKHANA LIMITED
THROUGHIT S SECRETARY**

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Advocate for the Applicant : Shri S. S. Kulkarni
Advocate for the Respondent - sole : Shri B. B. Bhise h/f.
Shri D. J. Choudhari
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CORAM : RAVINDRA V. GHUGE, J.

DATED : 8th MARCH, 2019.

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PER COURT :

1. Delay of 83 days is caused in filing the two civil applications seeking restoration of the two arbitration applications which were disposed off on account of non removal of office objections.

2. The learned Advocate for the respondent opposes the applications.

3. I have perused the order dated 05/09/2018, by which, the applicant was directed to remove office objections. However, it was recorded in paragraph 6 that the applicant prays for leave so as to be exempted from placing a copy of the arbitration memo on record. He renews the said request today.

4. He further submitted that the copy of the said memo may not be decisive as these applications were filed only for seeking a change in the arbitrator as the earlier arbitrator has expressed his inability to continue.

5. In the above recorded peculiar circumstances, both the Civil Applications are allowed. Delay is condoned without imposing costs.

6. The objection as regards not filing of the copy of the arbitration memo, is dispensed with and leave Arbitration Application Nos. 6 and 7 of 2017 stand restored. They be listed for admission hearing on 29/03/2019.

7. The learned Advocate for the respondent causes an appearance in the restored applications.

(RAVINDRA V. GHUGE, J.)

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