

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

**NOTICE OF MOTION NO.337 OF 2018
IN
ARBITRATION PETITION (L) NO. 79 OF 2018**

Lt. Col (Retd.) Sayani Koteswar Rao... Petitioner/Applicant
V/s.
Bharat Petroleum Corporation
Ltd. and anr. ... Respondents

Ms.Madhavi Nalluri with Mr.Suraj S. Ghogare, Advocate
for the Petitioner/Applicant.
Mr.S.R.Page, Advocate for the Respondents.

**CORAM : UJJAL BHUYAN, J.
DATE : DECEMBER 17, 2019.**

P.C.:-

1. Heard learned counsel for the parties.
2. This notice of motion is sought for by the applicant for condoning the delay of 30 days in preferring the related Arbitration Petition (L) No.79 of 2018.
3. Applicant is the original petitioner and by the related arbitration petition he has assailed the award dated 12th September, 2017 under Section 34 of the Arbitration and Conciliation Act, 1996. Since the arbitration petition has been filed beyond 90 days but within the further period of 30 days as per proviso to sub-section (3) of Section

34 of the aforesaid Act, the present notice of motion has been filed.

4. Respondent has not filed any objection to the notice of motion.

5. Learned counsel for respondent however submits that there is delay of 31 days and not 30 days in filing the related petition under Section 34.

6. The date of the award is 12th September, 2017 and photocopy of the award was received by the applicant on 17th September, 2017. The related arbitration petition was filed on 17th January, 2018. At this stage, learned counsel for the applicant submits that the arbitration petition was actually filed on 16th January, 2018, but the lodging date has been recorded in the petition as 17th January, 2018.

7. Be that as it may, after hearing learned counsel for the parties and on due consideration, the delay in filing the related arbitration petition is condoned.

8. Notice of motion is accordingly allowed.

(UJJAL BHUYAN, J.)