

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 735 OF 2017
IN
ARBITRATION PETITION NO. 1122 OF 2016

VCM Polyurethanes Pvt Ltd	...Petitioner
<i>Versus</i>	
Bharat Petroleum Corporation Ltd	...Respondent

Mr Chirag Bhatia, *i/b Advani & Co., for the Petitioner/Applicant.*
Mr SA Bhalwal, *with Ms Usha Singh, i/b Vyas & Bhalwal, for*
Respondent.

CORAM: G.S. PATEL, J.
DATED: 10th December 2019

PC:-

1. The Petition was dismissed for default on 17th March 2017 (SJ Kathawalla J). It does not appear that on that very day the Petitioner and its Advocates made any attempt to have the matter mentioned and restored.

2. This Notice of Motion was filed thereafter on 7th April 2017. The Affidavit in Support blames the Court Clerk, saying that he was not well and was on leave. The Affidavit also says that because the Court Clerk was on leave, the Petitioner's Advocate was "under an

impression that no matters are listed on the supplementary board”. I confess I am unable to understand what this is supposed to mean, if anything. The illness of a Court Clerk carries no presumption that the advocate he serves has no matters listed. Our listings do not depend on the continued good health of court clerks. There is no reason why the Advocate himself could not attend to the matter.

3. In any case, after this Notice of Motion was filed in April 2017 the Petitioner has done absolutely nothing to have it listed. The praecipe to have it placed before me for ‘ad-interim reliefs’ is only dated 15th November 2019, more than two years after.

4. All this notwithstanding, I indicated to the learned Advocate for the Petitioner that I was prepared to restore Petition but on condition that he would argue it immediately. I was prepared to take it up right away. I was told this was not possible as the learned Advocate appearing today has neither instructions nor sufficient preparedness. If that be so, the matter should never have been got placed for urgent ad interim relief.

5. The Notice of Motion is dismissed.

(G. S. PATEL, J)