

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

COMM.ARBITRATION PETITION NO.624 OF 2018

Maharashtra Industries Development Corporation	..	Petitioner
vs		
Bharat Udyog Ltd & anr	..	Respondents

with NOTICE OF MOTION NO.1089 OF 2018
in
COMM.ARBITRATION PETITION NO.624 OF 2018

Maharashtra Industries Development Corporation	..	Petitioner
vs		
Bharat Udyog Ltd & anr	..	Respondents

Ms.Shyamali Gadre I/b M/s Little & Co for Petitioner
None for Respondents.

CORAM : S.C.GUPTE, J
DATE : 22 AUGUST, 2019

P.C

1. This Arbitration Petition has been filed after a delay of more than 120 days of receipt of the arbitral award. This Court, by its order dated 21.5.2018, passed in the vacation, on an application for ad interim relief, has held that the question of condoning the delay or granting any stay qua the execution of the impugned award does not, in the premises, arise. It appears that the Petitioner, thereafter, took out a Chamber Summons, seeking an amendment of the Petition, in particular, substituting para 30 of the Petition. That Chamber Summons was allowed.

That order has since been reviewed by the learned single Judge and the earlier order on the Chamber Summons allowing the amendment has been recalled and costs ordered against the Petitioner.

2. Learned counsel for the Respondents states that the order of the learned Single Judge dated 10 July 2018 is the subject matter of a pending SLP before the Supreme Court. The order has been passed more than one year back and there is no stay of the order. In the premises, there is no option but to dispose of the petition on the basis that the amendment order has already been recalled.

3. The unamended petition is clearly beyond 120 days of receipt of the copy of the impugned award and cannot be entertained. The Notice of Motion and the arbitration petition are, accordingly, dismissed.

(S.C.GUPTE, J)