

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***ORDINARY ORIGINAL CIVIL JURISDICTION*****NOTICE OF MOTION NO. 2012 OF 2019****IN****ARBITRATION PETITION (L) NO. 832 OF 2019****Religare Broking Ltd.****..... Applicant/
Petitioner****VERSUS****Nilakantan Vaidyanathan****..... Respondent**

Mr.Rahul Karnik for the Petitioner/Applicant in NMS/2009/2019, NMS/2012/2019 and for the Respondent in ARBP/804/2019.

Mr.M.S.Bhandari, a/w. Ms.Pranjali Bhandari for the Petitioner in ARBP/804/2019 and for the Respondent in ARBPL/831/2019 and ARBPL/832/2019.

CORAM : R.D. DHANUKA, J.**DATE : 16th OCTOBER, 2019****P.C.**

By this notice of motion, the applicant seeks condonation of delay of 23 days in filing arbitration petition. There is no dispute that the copy of the arbitral award was received by the petitioner on 8th April, 2019. The petition was lodged on 29th July, 2019. There is delay of 23 days in filing arbitration petition.

2. In paragraph (6) of the affidavit in support of the notice of motion, the applicant has explained the delay of 23 days in filing the arbitration petition.

3. Mr.Bhandari, learned counsel for the respondent states that if this court is inclined to grant the condonation of delay of 23 days in filing the arbitration petition, the petitioner should be imposed cost.

4. The reasons recorded by the applicant in paragraph (6) of the affidavit in support of the notice of motion are not fully satisfactory, however on payment of Rs.10,000/- which shall be paid by the applicant to the respondent, delay of 23 days in filing arbitration petition is condoned.

5. The cost of Rs.10,000/- shall be paid by the applicant to the respondent within two weeks from today as a condition precedent while allowing this notice of motion.

6. Notice of motion is made absolute in terms of prayer clauses (a) and (b) on the aforesaid condition.

7. If there are any office objections, the same shall be removed within two weeks from today.

8. The affidavit in reply to the arbitration petition shall be filed within four weeks from today with a copy thereof to be served upon the petitioner's advocate simultaneously. Rejoinder, if any, shall be filed within two weeks thereafter with a copy thereof to be served upon the respondent's advocate simultaneously.

9. Place Arbitration Petition (L) No.832 of 2019 along with Arbitration Petition (L) No.831 of 2019 and Arbitration Petition No. 804 of 2019 on **11th December,2019**.

[R.D.DHANUKA, J.]