

3. In support of this Motion, Mr. Chaudhari invited my attention to the Affidavit filed in support of the Motion to contend that for the reasons stated therein, delay in filing Arbitration Petition under section 34 of the Act deserves to be condoned. He has also explained various hardships and difficulties coming in the way of the petitioner because of making of the Award by Arbitrary Tribunal. He further states that signed Award was received by the petitioner on 18th July, 2017.

4. On the other hand, Mr. Ghosalkar submitted that the petitioner was represented by Advocate before the Arbitrary Tribunal. In the reply, it is nowhere contended about non receipt of the signed Award by the petitioner. In view of section 34 (3) of the Act, Court has no power to condone the delay.

5. I have considered the rival submissions advanced by learned Counsel for the parties. I have also perused the material on record. Section 34 (3) of the Act reads thus;

“34.Application for setting aside arbitral award._

(1)...

(2)...

(3)An application for setting aside may not be after three months have elapsed from the date on which the party making that application had received the arbitral award or, if a request had been made under section 33, from the date on which that request had been disposed of by the arbitral tribunal:

Provided that if the Court is satisfied that the applicant was prevented by sufficient cause from making the application within the said period of three months it may entertain the application within a further period of thirty days, but not thereafter”.

6. As mentioned earlier, there is delay of 365 days in filing the Arbitration Petition. In view of section 34 (3) of the Act as also having regard to the fact that it is not the case of the petitioner that he did not receive signed

copy of the Award, this Court cannot condone the delay. Hence, Motion fails and the same is dismissed. In view of dismissal of Notice of Motion for condoning delay, main Arbitration Petition does not survive and the same is also dismissed.

[R.G. KETKAR, J.]