

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 01.08.2019
CORAM
THE HONOURABLE DR. JUSTICE VINEET KOTHARI

AND

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

OSA.No.367/2018 & CMP.No.15801/2018

M/s.National Buildings Construction Corporation Ltd
Now known as M/s.NBCC [India] Ltd., NBCC
Bhawan, Lodhi Road, New Delhi 110 003. .. Appellant

Vs

1.M/s.Corporation of Chennai
rep.by S.E.Bridges Department
Ripon Buildings, EVR Road
Chennai 600 003.

2.A.V.Rangaraju, Arbitrator
3.Dr.D.Thirunavakkarasau, Arbitrator
4.Er.K.Srinivasan, Arbitrator

.. Respondents

Prayer: Original Side Appeal filed under Order XXXVI Rule 9 of Original Side Rules read with Clause 15 of the Letters Patent Act and section 37 of the Arbitration and Conciliation Act, 1996, against the order dated 16.04.2018 made in Appln.No.1185/2018 in A.No.247 of 2017 in OPD.NO.23419/2012, and application praying that this Hon'ble Court may be pleased to set aside the order dated 17/08/2017 made in A.No.247 of 2017 in OPD.No.23419 of 2012, and to condone the delay of 1490 days in Representation the OPD.No.23419 of 2012.

For Appellant	:	Mr.Prasad Vijayakumar
For R1	:	M/s.Ashitha Nair
RR2 to 4	:	Arbitrator

JUDGMENT

[Judgment of the Court was delivered by DR.VINEET KOTHARI, J.]

This Intra-Court Appeal has been filed by the National Buildings Construction Corporation Limited, a Government of

India Undertaking against another public body, viz., Corporation of Chennai, the 1st respondent herein, against the discretionary order passed by the learned Single Judge, setting aside the order passed by the Master and directing the Office to register the Original Petition filed under section 34 of the Arbitration Act, to be registered after a delay of 1490 days in representation of the papers. The learned Single Judge had noted in the order that the bundles went missing for some time and thereafter, when they were traced back by the officials of the Registry, the papers filed by the Corporation of Chennai were taken on record and the delay in representation of papers was approved to be condoned.

2 The learned counsel for the appellant submitted that cost should have been imposed on the Corporation of Chennai before condoning such delay.

3 Having heard the learned counsel for the appellant, we are satisfied that such discretionary order passed by the learned Single Judge condoning the delay in representation of papers giving appropriate reasons for the same, does not require any interference by this Court in this Intra-Court Appeal. The Original Side Appeal is liable to be dismissed and accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

AP

1.The Sub Assistant Registrar,
Original Side,
High Court, Madras

+1cc to Mr.Prasad Vijayakumar, Advocate sr.66513

OSA.No.367/2018

nrjk(co)
nr 03/10/2019