

A.No.7380 of 2019
in
O.P.SR.No.84724 of 2019

SENTHILKUMAR RAMAMOORTHY, J

The learned counsel for the applicant submitted that the award was received on 09.03.2019 and that the petition to set aside the award was filed on 08.07.2019, which is within the 30 days period for consideration of an application to condone the delay in challenging the award. Therefore, he submitted that the delay is liable to be condoned by taking into account the explanations mentioned in the affidavit.

2. On the contrary, the learned counsel for the respondent submitted that a caveat was filed in June 2019 and that execution proceedings were initiated in September 2019 and that only after the Garnishee Order was passed in the said execution proceedings, the applicant chose to prosecute the present petition. Accordingly, he submitted that the application lacks in *bona fide* and is liable to be rejected.

3. On considering the submissions made by both sides and on examining the affidavit and counter affidavit, I find that the applicant has stated that the the delay occurred because the applicant is a Public Sector Undertaking and had to co-ordinate with the legal team in New Delhi for approval of drafts and to engage counsel.

SENTHILKUMAR RAMAMOORTHY, J

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4. In the facts and circumstances, I am of the view that sufficient cause has been made out to condone the delay. Therefore, the application is allowed and the Registry is directed to number the above Original Petition if it is otherwise in order.

14.10.2019

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