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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

INTERIM APPLICATION NO. 2361 OF 2021
IN
ARBITRATION APPEAL (STAMP) NO. 3043 OF 2020

Pimpri-Chinchwad Municipal Corporation,
Through its Additional Commissioner,
Mr. Santosh Patil ...Petitioner

Versus

M/s. Shah Electricals & Engineering Works
Through its Proprietor,
Shri. K. Kenia ...Respondent

ALONG WITH
INTERIM APPLICATION NO. 2137 OF 2020
IN
ARBITRATION APPEAL (STAMP) NO. 3043 OF 2020

Pimpri-Chinchwad Municipal Corporation,
Through its Additional Commissioner,
Mr. Santosh Patil ...Petitioner

Versus

M/s. Shah Electricals & Engineering Works
Through its Proprietor,
Shri. K. Kenia ...Respondent

ALONG WITH
INTERIM APPLICATION NO. 2929 OF 2021
IN
ARBITRATION APPEAL (STAMP) NO. 3043 OF 2020

Pimpri-Chinchwad Municipal Corporation,
Through its Additional Commissioner,
Mr. Santosh Patil ...Petitioner

Versus

M/s. Shah Electricals & Engineering Works
Through its Proprietor,
Shri. K. Kenia ...Respondent

ALONG WITH
INTERIM APPLICATION NO. 2362 OF 2021
IN
ARBITRATION APPEAL (STAMP) NO. 3048 OF 2020

Pimpri-Chinchwad Municipal Corporation,
Through its Additional Commissioner,
Mr. Santosh Patil ...Petitioner

Versus

M/s. Shah Electricals & Engineering Works
Through its Proprietor,
Shri. K. Kenia ...Respondent

ALONG WITH
INTERIM APPLICATION NO. 2140 OF 2020
IN
ARBITRATION APPEAL (STAMP) NO. 3048 OF 2020

Pimpri-Chinchwad Municipal Corporation,
Through its Additional Commissioner,
Mr. Santosh Patil ...Petitioner

Versus

M/s. Shah Electricals & Engineering Works
Through its Proprietor,
Shri. K. Kenia ...Respondent

ALONG WITH
INTERIM APPLICATION NO. 2933 OF 2021
IN
ARBITRATION APPEAL (STAMP) NO. 3048 OF 2020

Pimpri-Chinchwad Municipal Corporation,
Through its Additional Commissioner,
Mr. Santosh Patil ...Petitioner

Versus

M/s. Shah Electricals & Engineering Works
Through its Proprietor,
Shri. K. Kenia ...Respondent

ALONG WITH
INTERIM APPLICATION NO. 2363 OF 2021
IN
ARBITRATION APPEAL (STAMP) NO. 3045 OF 2020

Pimpri-Chinchwad Municipal Corporation,
Through its Additional Commissioner,
Mr. Santosh Patil ...Petitioner

Versus

M/s. Shah Electricals & Engineering Works
Through its Proprietor,
Shri. K. Kenia ...Respondent

ALONG WITH
INTERIM APPLICATION NO. 2138 OF 2020
IN
ARBITRATION APPEAL (STAMP) NO. 3045 OF 2020

Pimpri-Chinchwad Municipal Corporation,
Through its Additional Commissioner,
Mr. Santosh Patil ...Petitioner

Versus

M/s. Shah Electricals & Engineering Works
Through its Proprietor,
Shri. K. Kenia ...Respondent

ALONG WITH
INTERIM APPLICATION NO. 2931 OF 2021
IN
ARBITRATION APPEAL (STAMP) NO. 3045 OF 2020

Pimpri-Chinchwad Municipal Corporation,
Through its Additional Commissioner,
Mr. Santosh Patil ...Petitioner

Versus

M/s. Shah Electricals & Engineering Works
Through its Proprietor,
Shri. K. Kenia ...Respondent

ALONG WITH
INTERIM APPLICATION NO. 2365 OF 2021
IN
ARBITRATION APPEAL (STAMP) NO. 3042 OF 2020

Pimpri-Chinchwad Municipal Corporation,
Through its Additional Commissioner,
Mr. Santosh Patil ...Petitioner

Versus

M/s. Shah Electricals & Engineering Works
Through its Proprietor,
Shri. K. Kenia ...Respondent

ALONG WITH
INTERIM APPLICATION NO. 2136 OF 2020
IN
ARBITRATION APPEAL (STAMP) NO. 3042 OF 2020

Pimpri-Chinchwad Municipal Corporation,
Through its Additional Commissioner,
Mr. Santosh Patil ...Petitioner

Versus

M/s. Shah Electricals & Engineering Works
Through its Proprietor,
Shri. K. Kenia ...Respondent

ALONG WITH
INTERIM APPLICATION NO. 2928 OF 2021
IN
ARBITRATION APPEAL (STAMP) NO. 3042 OF 2020

Pimpri-Chinchwad Municipal Corporation,
Through its Additional Commissioner,
Mr. Santosh Patil ...Petitioner

Versus

M/s. Shah Electricals & Engineering Works
Through its Proprietor,
Shri. K. Kenia ...Respondent

ALONG WITH
INTERIM APPLICATION NO. 2366 OF 2021
IN
ARBITRATION APPEAL (STAMP) NO. 3047 OF 2020

Pimpri-Chinchwad Municipal Corporation,
Through its Additional Commissioner,
Mr. Santosh Patil ...Petitioner

Versus

M/s. Shah Electricals & Engineering Works
Through its Proprietor,
Shri. K. Kenia ...Respondent

ALONG WITH
INTERIM APPLICATION NO. 2139 OF 2020
IN
ARBITRATION APPEAL (STAMP) NO. 3047 OF 2020

Pimpri-Chinchwad Municipal Corporation,
Through its Additional Commissioner,
Mr. Santosh Patil ...Petitioner

Versus

M/s. Shah Electricals & Engineering Works
Through its Proprietor,
Shri. K. Kenia ...Respondent

ALONG WITH
INTERIM APPLICATION NO. 2932 OF 2021
IN
ARBITRATION APPEAL (STAMP) NO. 3047 OF 2020

Pimpri-Chinchwad Municipal Corporation,
Through its Additional Commissioner,
Mr. Santosh Patil ...Petitioner

Versus

M/s. Shah Electricals & Engineering Works
Through its Proprietor,
Shri. K. Kenia ...Respondent

* * *

- Mr. Rohit P. Sakhadeo, for Applicant.

- Mr. Zal Andhyarujina, Senior Counsel a/w Ms. Revati Desai, Mr. Dhaval A. Patil i/by M/s. K. Ashar Co., for the Respondent.

* * *

CORAM : MANISH PITALE, J

DATE : 08TH DECEMBER, 2022.

P. C. :

1. By this order, 10 applications filed on behalf of the Applicant-Pimpri-Chinchwad Municipal Corporation are being disposed of.

2. The first set of 5 applications are for seeking condonation of delay of 3 days in filing the 5 Appeals before this Court, and the second set of applications are titled as Interim applications (regarding period of limitation/delay). The second set of applications have been filed in peculiar set of circumstances, which shall be referred to herein-below.

3. By these 5 appeals, the aforesaid Corporation has challenged five orders passed by District Court, Pune, under Section 34 of the Arbitration and Conciliation Act, 1996, whereby the applications filed by the Appellant – Corporation have been dismissed.

4. The learned Counsel for the Applicant/Corporation in all these applications submitted that initially when the Appeals were filed, applications for condonation of delay came to be filed on the basis that there was delay of only 3 days.

5. It appears that thereafter, there was some debate on the aspect as to whether there was any delay at all or that the number of days of delay was more than 3 days. This was in the backdrop of the fact that after the initial orders dated 30th July, 2019, were passed by the District Court, in the aforesaid applications, subsequent orders were passed correcting certain typographical errors. The certified copies of the subsequent corrected orders became available on 28th November, 2019.

6. It is the case of the Applicant- Corporation, that if the period of delay is to be reckoned from the impugned orders passed on 30th July, 2019, there is delay of 53 days in filing the Appeals, and if the period of delay is to be reckoned from 28th November, 2019, i.e. the date on which the certified copies of the corrected orders became available, the delay would at the most be of 3 days.

7. In the second set of applications filed on behalf of the Corporation, it is stated that there are sufficient reasons to explain the delay, even if the period of delay is taken to be 53 days. This Court has perused the applications. It is stated that after certified copies of the impugned orders were received, the Applicant - Corporation and its department deliberated upon the same and after a decision was taken to challenge the impugned orders passed by the

District Court, appropriate instructions were given to the Advocate to prepare the Appeals, which in itself took some time and eventually the Appeals came to be filed before this Court.

8. The learned Senior Counsel appearing for the Respondent has opposed the prayers made in the aforesaid applications. But, this Court is convinced that sufficient cause is made out for condonation of delay and therefore, the applications deserve to be allowed.

9. In view of the above, the first set of applications being Interim Application Nos. 2361 of 2021, 2362 of 2021, 2363 of 2021, 2365 of 2021 and 2366 of 2021, seeking condonation of 3 days delay, as also the second set of applications titled as Interim Applications (regarding period of limitation/delay) being Interim Application Nos. 2929 of 2021, 2933 of 2021, 2931 of 2021, 2928 of 2021 and 2932 of 2021 are allowed and disposed off. The delay stands condoned. The office is directed to register the Appeals.

10. The Respondent in all these Appeals shall file their replies within three weeks from today. The Appellant – Corporation may file its rejoinder affidavits within two weeks thereafter.

11. List all these appeals along with Interim Application for stay bearing Interim Application No. 2137 of 2020, 2140 of 2020, 2138 of 2020, 2136 of 2020 and 2139 of 2020 for

consideration/disposal at admission stage on **01st February, 2023**, at 02.30 p.m.

12. The learned Counsel for the parties shall place on record brief notes of arguments and compilation of judgments, if any. The learned Counsel for the parties shall endeavor to complete their arguments in 30 minutes on each side on the said date of listing.

(MANISH PITALE, J.)