

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO.1826/2021
IN
COMMERCIAL ARBITRATION PETITION (L) NO.5900/2020**

AMS Concrete India Pvt. Ltd. ...Applicant/petitioner

Versus

ITD Cementation India Ltd. ...Respondent.

Ms Shraddha Vavhal for petitioner/applicant.

Mr. Himanshu Vidhani and Mr. Harsh Salgia i/b Khaitan & Co. for respondent.

CORAM : MANISH PITALE, J

DATE : 13th OCTOBER, 2022.

P. C. :

1. On private notice served on the respondent, there is representation on behalf of the respondent before this Court.
2. By this application, the applicant/original petitioner is seeking condonation of delay in filing the accompanying application u/s 34 of the Arbitration and Conciliation Act, 1996.
3. It is pointed out that although, award was pronounced on 10.10.2022, it was subsequently corrected on 17.12.2019. As a consequence, limitation period expired on 15.3.2020. It is submitted that in the light of orders passed by the Supreme Court in *Suo Moto Writ Petition*

(C) No.3 of 2020, extending period of limitation in the light of the COVID-2019 pandemic, the applicant deserves favourable consideration in the prayers made in the application.

4. Learned Counsel for the respondent cannot dispute the dates as mentioned hereinabove.

5. Therefore, this Court is of the opinion that in the light of the orders passed by the Supreme Court, extending the period of limitation, the present application can be allowed. Accordingly, the application is allowed and disposed of.

(MANISH PITALE, J.)