

Prajakta Vartak

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

**INTERIM APPLICATION NO. 1266 OF 2019
IN
COMMERCIAL ARBITRATION PETITION (L.) NO. 1437 OF 2019**

Anannd Khosla son of Mr. Pawan Khosla & Anr. ..Applicants
In the matter between
Anannd Khosla son of Mr. Pawan Khosla & Anr. ..Petitioners
Vs.
PunamKumari Singh ..Respondent

Ms. Naira Jejeebhoy with Mr. Mangesh Sawant i/b. Arun Panickar for
Applicants/Petitioners.
Mrs. Vidisha Rohira with Mr. Pankaj Uttaradhi for Respondent.

**CORAM : G.S. KULKARNI, J.
DATE : APRIL 21, 2022.**

P.C.:

1. This is an interim application praying for condonation of delay of 29 days in filing the present commercial arbitration petition.
2. On 31 July, 2019 the arbitral award was passed and it was served and received by the advocate for the applicants on 03 August, 2019 and on the same day, it was handed over to the applicants. As per provisions of Section 34(3) of the Arbitration and Conciliation Act, 1996 (for short, "the Act"), this petition assailing the arbitral award was required to be filed within a period of 90 days (three months) from the date on which the arbitral award was received by the applicants, which would come to 28 October, 2019 and when not being filed within the said period, as per the proviso below sub-section (3) of Section 34, the Court on being satisfied that the applicant was prevented by sufficient cause from

making the application within the said period of three months, the Court is empowered to entertain such petition within a further period of thirty days, but not thereafter. The present petition is filed on 26 November, 2019 and there is delay of 29 days.

3. The applicants have set out the reasons for such delay in paragraphs 7 to 9 of the application. On a perusal of the reasons as set out, in my opinion, interest of justice would require this Court to condone the delay caused in filing Section 34 petition. Learned counsel for the respondent also fairly would not object to the delay being condoned.

4. Accordingly, the application is allowed in terms of prayer clause (a).

5. Disposed of. No costs.

6. Let the petition be listed for admission beyond summer vacation i.e. on 23 June, 2022.

7. In the meantime, reply affidavit, if any, be placed on record and the same be also served on the petitioners well in advance.

[G.S. KULKARNI, J.]