

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 11TH DAY OF MARCH 2022

THE MASTER

A.No.4866 of 2021

in

O.P.D.No.112348 of 2019

In the Matter of the Arbitration and  
Conciliation Act, 1996 as amended

and

In the matter of Arbitration Award by  
the Learned Arbitrator Hon'ble Justice  
Mr.Vikramajit Sen (retd) dated 29<sup>th</sup>  
April, 2019

M/s. Soundararaja Mills Limited,  
GTN Salai, Dindigul – 624 005,

Represented by its Manager Mr.S.Kamaraj

... Applicant / Petitioner

Versus

M/s. GAIL (India) Limited,  
16, Bhikaji Cama Place, New Delhi – 110066

Also at: 5<sup>th</sup> Floor, “KUPPU ARCADE”,

No.4, Venkatanarayana Road,

T.Nagar, Chennai – 17.

... Respondent / Respondent

Application praying that this Hon'ble Court be pleased to condone

the delay of 124 days in representation of Original Petition in

S.R.No.112348 / 2019.

This Application coming on this day before this court for hearing the  
court made the following order:-

Orders pronounced. This is an application to condone delay of 124  
days in representation of O.P. to set aside the award passed by Arbitration

Tribunal. The reason stated in the affidavit is that the returned bundle was mixed up with other bundles and Covid lock down further caused delay in representation. The petitioner has not stated anything in his affidavit that when it was presented, when it was returned. Further he did not state when it was represented and how the delay was occurred. The reason stated that bundle mixed up with other bundle is usual one. The affidavit is completely vague and this application is mechanically presented. It is well settled law that each and every day's delay should be explained to the satisfaction of the Court. But the affidavit is completely vague.

The respondent counsel pointed out that discretion to condone delay must be exercised with vigilance and circumspection and delay cannot be condoned as a matter of Judicial generosity which is acceptable one.

The affidavit filed by the applicant is vague and there is no merit in it. This Court is not satisfied with reason stated. Hence, this application is dismissed.

Sd./-MASTER  
11/03/2022.

//Certified to be true copy//

Dated at Madras this the      day of      2022.

COURT OFFICER(O.S.)

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EVK 09/06/2022