

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

INTERIM APPLICATION NO. 3795 OF 2019
IN
ARBITRATION APPEAL (L) NO. 30955 OF 2019

The State of Maharashtra ...Applicant/Appellant
Vs.
M/s. Ashoka Bridgeways ...Respondent

Mr. A. R. Patil Addl. G. P., for the Applicant / Appellant – State of Maharashtra.
Mr. R. S. Apte, Senior Counsel a/w. A. A. Garge, for the Respondent.

MAMTA
AMAR
KALE

Digitally signed by
MAMTA AMAR
KALE
Date: 2023.02.07
10:24:55 +0530

CORAM : MANISH PITALE, J.
DATE : 6 FEBRUARY 2023

P.C.

. This is an application seeking condonation of delay of 183 days in filing the accompanying appeal.

2. The respondent has appeared through counsel and filed his reply opposing the prayers made in the present application.

3. Mr. Patil, learned AGP appeared on behalf of the applicant / appellant i.e. State of Maharashtra submitted that in paragraph 3 of the application, chronological events are stated, as to the manner in which the petitioner was pursuing the matter

and the reason as to why the accompanying appeal could be filed after delay of about 183 days. Further reasons are found in paragraph 4 of the application.

4. Although, the prayers made in the present application are vehemently opposed by learned Senior counsel appearing for the respondent, this Court is of the opinion that detailed facts have been stated in the application to indicate the reasons as to why the appeal could not be filed within the period of limitation. This Court is of the opinion that the applicant / appellant had nothing to gain by filing the accompanying appeal beyond the period of limitation. Allowing the present application, would not cause any specific prejudice to the respondent, other than requiring him to counter the case of the appellant on merits. In any case, this Court is not expressing any opinion on the merits of the matter. In view of the above, the application is allowed. The delay is condoned.

MANISH PITALE, J.