

INTERIM APPLICATION NO. 734 OF 2020
IN
ARBITRATION PETITION (L) NO. 144 OF 2020

Versus

Shankaraiah Ashanna Ayyori ... Respondent

Ms. Vaishali Choudhari for the Applicant/Petitioner.
Mr. Anil P. Bagwe for the Respondent.

CORAM : R.I. CHAGLA, J.

DATED : 16th JUNE, 2023

ORDER :

1 By this Interim Application the Applicant/Original Petitioner has sought condonation of delay of 15 days in filing the Arbitration Petition. The Applicant/Original Petitioner has provided reasons for the delay in paragraphs 3 to 5 of the Interim Application. The impugned Award dated 15.10.2019 has been received on that date and upon which the Petitioner's office sent the same to the Department of Law and Justice for written opinion for challenging the impugned Award. The opinion was received by the Petitioner on 10.01.2020. Meanwhile there were internal

transfers and structuring in the office of the Petitioner (the Petitioner being a Government body) and a new in-charge came to be appointed on 23.10.2019 for the present matter. The decision to file the Arbitration Petition was undertaken by the Petitioner's office and the Petitioner had to follow the relevant procedure for getting the amount of the Court fees sanctioned, required to be paid by the Petitioner. In view of the new in-charge requesting for the appointment of panel Counsel, the Petitioner's Counsel was appointed on 13.01.2020. Thereafter, the draft of the Arbitration Petition was prepared and submitted for the Petitioner's approval and the draft was settled and approved by the concerned officers of the Petitioner and given to the Petitioner's Counsel for filing the same, which was filed on 27.01.2020. Accordingly, the delay in filing the Arbitration Petition is stated to be 15 days as stated in paragraph 6 of the Interim Application.

2 The learned Counsel appearing for the Respondent has objected to the relief sought for in the Interim Application.

3 Having considered the averments in the Interim Application as well as the explanation for the delay of 15 days in filing the Arbitration Petition, I am of the view that a satisfactory explanation has been given for the delay.

4 Further, the delay of 15 days in filing the Arbitration Petition, is not beyond the permissible delay. Accordingly, the relief sought for in the Interim Application is granted. Hence, the following order is passed :

i) The delay of 15 days in filing the Arbitration Petition is condoned.

ii) Interim Application is accordingly disposed of.

5 Interim Application No.733 of 2020 be placed on 27.06.2023.

(R.I. CHAGLA, J.)