

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

**INTERIM APPLICATION NO. 1295 OF 2020
IN
ARBITRATION PETITION (L) NO. 238 OF 2020**

Union of India Through CAO(C)
represented by Deputy
Chief Engineer (Construction) ... Applicant/Petitioner

Versus

Kaulgud Construction Pvt. Ltd. ... Respondent

T.J. Pandian a/w Dheer Samapt for the Applicant/Petitioner.

CORAM : R.I. CHAGLA, J.

DATED : 22nd JUNE, 2023

ORDER :

1 By this Interim Application the Applicant/Petitioner is seeking condonation of delay of 23 days in filing the Arbitration Petition. The learned Counsel appearing for the Petitioner states that the Respondent has been served with the Interim Application and Arbitration Petition by e-mail. He undertakes to file the affidavit of service to that effect within a period of one week.

2 It is noted that by order dated 13.04.2023, notice had been issued in respect of the Interim Application for condonation of delay as well as Arbitration Petition and returnable date has been given as of today.

3 The Court notice has been served on the Respondent and is borne out by the office noting as service having been effected on 05.06.2023. In spite of service, the Respondent has remained absent.

4 In paragraph 3, the date of lodging of the Petition has not been mentioned and the learned Advocate for the Applicant/Petitioner is directed to forthwith mention the date of lodging of the Petition and countersign the same.

5 Accordingly, the Interim Application is taken up for consideration. The Applicant/Original Petitioner has stated that the impugned Award was passed on 14.10.2019. The impugned Award was received in the office of the Petitioner on 22.10.2019 and the limitation of three months period commenced from 23.10.2019 and was upto 23.01.2020. The Petition had been lodged on 14.02.2020. The delay of 23 days is within the grace period of 30 days. The reason for the delay in filing of the Arbitration Petition is provided in paragraph 4 of the Interim Application.

6 I am of the view that a satisfactory explanation has been given for the delay in filing the Arbitration Petition in view of the various Departments and/or concerned officials requiring to process the same and thereafter, being referred to the panel Advocate as well as arrangement of Court fees to be paid in the Arbitration Petition and ultimate approval and filing on 14.02.2020.

7 Considering that the delay in filing of the Arbitration Petition is not beyond the permissible 120 days from receipt of the impugned Award by the Applicant/Petitioner, the delay is required to be condoned. Hence, the following order is passed :

- i) The delay of 23 days in filing the Arbitration Petition (L) No.238 of 2020, is condoned.
- ii) The Registry is directed to accept the Arbitration Petition (L) No.238 of 2020.
- iii) Interim Application is accordingly disposed of.

(R.I. CHAGLA, J.)