

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.1308 OF 2020
IN
ARBITRATION PETITION (L) NO.241 OF 2020

Union of India through Sr. Divisional Engineer ... Applicant / Petitioner
Vs.

M/s. Ashok H. Ahuja ... Respondent

Mr. T. J. Pandian a/w. Mr. Dheer Sampat for Applicant / Petitioner.
None for Respondent.

CORAM : MANISH PITALE, J.
DATE : APRIL 18, 2023

P.C. :

. This petition challenges impugned arbitral award dated 16.10.2019. The petition was filed on 14.02.2020 along with application for condonation of delay of 20 days. Thereafter, the petition along with the application remained dormant till this Court gave specific direction for listing of such matters - 'filed and kept pending on record of this Court'.

2. Be that as it may, it appears that the respondent, in the present case, has already entered appearance through advocate. But, there is no appearance on behalf of the respondent when the petition along with the application are called out for hearing today.

3. In this backdrop, Mr. Pandian, learned counsel appearing for the applicant / petitioner was heard on the application for condonation of delay. It is stated in the application that the impugned award dated 16.10.2019 was received on 25.10.2019 in the office of the petitioner. The period of three months for filing the accompanying petition under Section 34(3) of the Arbitration and Conciliation Act, 1996 expired in January 2020, while the petition was actually filed on 14.02.2020. Therefore, there is delay of 20 days in filing the accompanying petition.

4. The reasons for delay in filing the petition are stated in paragraph 4 of the application. The details of the manner in which the concerned officers of the petitioners took steps for challenging the award are also stated therein. This Court is satisfied that sufficient cause is made out for condoning delay. Accordingly, the application is allowed and delay is condoned.

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Although the respondent is represented through advocate, since there is no appearance on behalf of the respondent today, upon hearing the learned counsel for the petitioner, issue notice, returnable on 19.06.2023.

2. The learned counsel appearing for the petitioner undertakes to serve copy of the petition on the learned counsel for the respondent within two weeks from today.

(MANISH PITALE, J.)

Minal Parab