

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 100 OF 2019
WITH
ARBITRATION PETITION (LODGING) NO. 1209 OF 2019**

Ray Constructions Limited	...	Applicant/Petitioner
vs.		
Hindustan Petroleum Corporation Limited	...	Respondent

M. S. Dehlvi for applicant/petitioner.

S. R. Page for respondent.

CORAM : MANISH PITALE, J

DATE : 11th APRIL, 2023

P.C. :

. The present petition filed under Section 34 of the Arbitration and Conciliation Act, 1996, is listed with an application seeking condonation of delay of 25 days in filing the petition.

2. The impugned award is dated 10th June, 2019. The petition was filed on 5th October, 2019 and thereafter, it was never listed before this Court. It was only on specific directions given by this Court to list such matters, filed and kept pending before this Court, that the present petition, alongwith the application, has seen the light of the day.

3. When the petition is called out for hearing, this Court was informed that even the respondent is aggrieved by the award and that Arbitration Petition No.1151/2019 has been filed.

4. The application seeking condonation of delay states that the petition was filed after a delay of 25 days, beyond the 3 months period, specified under Section 34(3) of the said Act, for challenging the arbitral award. Although the learned counsel for the respondent opposes the prayer made in the present application, this Court has considered the reasons stated in the application seeking condonation of delay. The reasons are stated in paragraph Nos.2(2) to 2(7). This Court is convinced that sufficient cause is made out for condonation of delay and the application deserves to be allowed.
5. Accordingly, the application is allowed and the delay is condoned.
6. List the petition for further consideration on 16th June, 2023.
7. Reply affidavit, if any, be filed on behalf of the respondent, within four weeks from today.
8. Rejoinder affidavit, if any, be filed within two weeks thereafter.
9. The registry is directed to ensure that Arbitration Petition No.1151/2019 is also listed alongwith the present petition on 16th June, 2023.

(MANISH PITALE, J)

Priya Kambli

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