

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

INTERIM APPLICATION NO. 1293 OF 2019
IN
ARBITRATION PETITION (LODGING) NO. 1039 OF 2019

Sitara Shipping Limited

...Applicant/Petitioner

Versus

Evershine Shipping & Logistics

...Respondent

* * *

- Mr. Arnab Ghosh i/by Manoj Khatri, for Applicant/Petitioner.
- Mr. P. Ranjan i/by Halai & Co., for Respondent

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SHRINIVAS
MALANI

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SHRIKANT
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Date: 2023.04.12
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CORAM : MANISH PITALE, J

DATE : 10th APRIL, 2023.

P. C. :

1. The present Petition and the Notice of Motion are filed in the context of impugned Arbitral award dated 10th June, 2019. The petition was filed on 11th September, 2019 and thereafter, there is nothing on record to show that the Petition along with Notice of Motion were listed before this Court. It is also surprising that despite the Arbitral award directing certain amount to be paid to the Respondent, no effort was made on behalf of the Respondent to move the present petition, which may have hampered the execution of the impugned award.

2. Be that as it may, on a specific direction given by this Court to list all such petitions filed and kept pending on the record of this Court, today, the Petition and the Notice of Motion have seen light

of the day. The Respondent has appeared through Counsel.

3. By the Notice of Motion, the Applicant/Petitioner is seeking condonation of delay of two days in filing the accompanying petition. The impugned award was pronounced on 10th June, 2019 and the petition came to be filed on 11th September, 2019. It is stated in the application that on 10th September, 2019, there was holiday on account of Moharrum and that filing could not be done in this Court.

4. The learned Counsel appearing for the Respondent submits that even if the said holiday is to be taken into account, the Petitioner has failed to give explanation for delay of one more day in filing the accompanying petition.

5. Having heard the learned Counsel for the rival parties and having perused the contents of the application, this Court is of the opinion that sufficient ground is made out for condoning delay. Admittedly, the delay is only of two days and therefore, it deserves to be condoned.

6. The Notice of Motion is allowed and the delay is condoned.

ARBITRATION PETITION (LODGING) NO. 1039 OF 2019

1. Heard, learned Counsel for the Petitioner.

2. Issue notice, returnable on **15th June, 2023**.

3. Mr. P. Ranjan, learned Counsel waives notice on behalf of the sole Respondent.
4. Reply affidavit be filed within four weeks from today.
5. Rejoinder affidavit, if any, be filed within two weeks thereafter.

(MANISH PITALE, J.)