

Kavita S. J.

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

**NOTICE OF MOTION NO.1124 OF 2019
IN
ARBITRATION PETITION (L) NO.1596 OF 2018**

Union of India

**...Applicant/
Org. Petitioner**

Versus

Ameya Developers Pvt. Ltd.,

...Respondent

Mr. T.J. Pandian a/w Ms. Tanisha Raikwar & Gautam Modanwal,
Advocates for Applicant/Original Petitioner.

CORAM : R.I. CHAGLA, J.

DATE : 22ND DECEMBER, 2023.

ORDER :

1. Mr. Pandian, learned Counsel appearing for the Applicant/
Original Petitioner vide Notice of Motion has sought condonation of
delay of 20 days in filing Arbitration Petition.

2. The Applicant/Original Petitioner has stated that the Notice
of Motion and Arbitration Petition have been served upon the
Respondent and the Respondent alongwith its Advocate have been

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informed of today's date when the matter has been circulated. In spite of which the Respondent has failed to make an appearance.

3. The Applicant/Original Petitioner has stated that the Arbitral Award dated 13th August, 2018 was received by the Head Quarters at CST, Mumbai on 21st August, 2018. The said Award was thereafter dispatched to the Deputy CEC-Pune and received by the Deputy CEC-Pune on 24th August, 2018. The Deputy CEC-Pune forwarded the said Award to the CE, Construction at CST on 8th September, 2018 for considering challenge to the said Award. Thereafter, the Chief Law Assistant-Construction, Mumbai offered his remarks on the same on 12th October, 2018 and thereafter the Deputy Chief Law Officer, Mumbai offered his remarks thereon on 17th October, 2018. These remarks have thereafter forwarded by the Deputy CE-Construction (Works), Mumbai to the CE-Construction (South) on 19th October, 2018. Thereafter, certain queries raised on the Deputy-CE(Works) on 22nd October, 2018 and the reply on 29th October, 2018 was received by HQ on 2nd November, 2018. It is mentioned that the CE-Construction (South) forwarded the Award with comments to the Finance Advisor and Chief Accounts Officer (Construction) ("FA&CAO(C)") on 7th November, 2018. In turn, the

FA&CAO(C) conveyed his occurrence to the proposal to challenge the Award on 12th November, 2018. Thereafter, the approval was forwarded and conveyed to the Deputy CEC-Pune by letter dated 26th November, 2018 which was received by Deputy CEC-Pune on 28th November, 2018. Accordingly, the panel Advocate was chosen to assign the said brief. Thereafter, the Arbitration Petition was prepared for filing.

4. The Applicant / Original Petitioner has submitted that the procedural requirements took some time to be complied with as aforementioned and that is the reason for the delay in filing the Arbitration Petition.

5. The Applicant/Original Petitioner has stated that it has a very good case to argue on merits and in case the delay in filing the Arbitration Petition is not condoned, the merits of the case shall not be heard thereby causing immense loss, prejudice and injustice to the Applicant/Original Petitioner.

6. Accordingly, the present Notice of Motion has been filed for condonation of delay of 20 days in filing the Arbitration Petition.

7. Having considered the averments in the Notice of Motion as

well as taking note of the reasons provided in Paragraphs 2 and 3 of the Affidavit-in-Support for the delay in filing the Arbitration Petition, I am of the view that the case has been made out for condonation of delay. There has been a satisfactory explanation given for the delay and in view of the delay not being beyond the permissible 120 days under Section 34(3) and proviso thereof of the Arbitration Act, the relief sought for in the Notice of Motion requires to be granted. Hence, the following order is passed:

- (i) Delay of 20 days in filing the Arbitration Petition is condoned.
- (ii) The Registry shall accept the filing of the Arbitration Petition.
- (iii) The Notice of Motion is accordingly disposed of.
- (iv) The Interim Application (L) No.34845 of 2023 shall be placed on 2nd January, 2024.

[R.I. CHAGLA, J.]