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A.No.3234 of 2023

A.No.3234 of 2023
in O.P.No.434 of 2019
(Filing No.)

KRISHNAN RAMASAMY, J.

This application is filed to set aside the order passed by the learned Arbitrator dated 11.01.2023 and condone the delay of 577 days in representation of the original petition in O.P.No.434 of 2019 filed under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter called as “the Act”)

2. The learned counsel for the applicant would submit that the original petition was presented on 02.01.2019 and it was returned on 26.02.2019. Thereafter, the said petition was represented on 25.01.2022. Further, he would submit that due to bereavement in the family of his junior, she had not followed up the matter and thereafter, due to the COVID pandemic situation and national lock down, there was a delay in representation.

3. Further, he would contend that though the above reasons were assigned, the learned Master had not looked into the reasons for delay but he only considered with regard to the time limit prescribed under Section 34(3) of



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the Act. It is made clear that the time limit provided in Section 34(3) of the Act is only for the purpose of presentation of the petition and not for representation. Therefore, the only aspect that has to be considered is whether the Court is satisfied with the reasons provided for the condonation of delay or not. However, the learned Master had passed the said order as if Section 34(3) of the Act would apply for the representation of the petition also. Hence, this application has been filed to set aside the said order.

4. Upon hearing the learned counsel for the applicant and perusing the documents available on record, this Court is satisfied with the reasons for delay in representation and is inclined to condone the delay of 577 days in representation of the original petition.

5. Accordingly, this Application is allowed and the order passed by the learned Master dated 11.01.2023 is set aside. Further, the delay of 577 days in representation of the original petition is hereby condoned.

27.06.2023

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