



Re.Appln.No.1 of 2023
in Arb.O.P.(Com.Div).No.49 of 2023

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KRISHNAN RAMASAMY. J.,

This Application has been filed by the applicant/respondent seeking to review the order passed in Application No.216 of 2023 in A.No.5856 of 2022 in Arb.O.P.(Com.Div).No.49 of 2023.

2.The main grievance of the review petitioner is that they were not heard before passing the order in A.No.216 of 2023 dated 12.01.2023. According to the review petitioner, it is just and necessary to hear them before passing the order, when there is delay in re-presentation. In the present case, the Court fee was also not paid in full and therefore, the review petitioner ought to have given an opportunity to counter the case.

3.Learned counsel appearing for the review petitioner would submit that beyond the period of three months plus thirty days, even if full Court fee was paid and if there is delay in re-presentation, notice has to be sent to the other party and hence, as per the provision of Section 34(3) of the Arbitration and Conciliation Act, the application filed by the respondent for condonation of delay is un-sustainable.



KRISHNAN RAMASAMY. J.,

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4. Heard the learned counsel appearing for the petitioners.

5. The provision of Section 34(3) of the Arbitration and Conciliation Act, applies only for the presentation of the petition and not for re-presentation as per the law laid down in the case of *Northern Railway vs. Pioneer Publicity Corporation Private Limited* reported in (2017) 11 Supreme Court Cases 234. Therefore, this Court is not in a position to accept the submissions made by the learned counsel appearing for the review petitioner.

6. Though this Court heard the learned counsel appearing for the applicant/respondent, she has not made out the case and this Court does not find any error apparent on the face of the record so as to review the order passed by this Court dated 12.01.2023 in Application No.216 of 2023 in A.No.5856 of 2022 in Arb.O.P.(Com.Div).No.49 of 2023.

7. In the result, the Review Petition stands dismissed.

09.02.2023

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