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A.No.5010 of 2023

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in
Arb.O.P.Filing No.91420 of 2023

C.SARAVANAN, J.

Despite notice being served on the respondent and the name being printed in the Cause List today, there is no representation on behalf of the respondent.

2. This application has been filed by the applicants to condone the delay of 27 days in filing the petition to set aside the Arbitral Award dated 06.01.2023 passed by the Sole Arbitrator in A.C.No.ARC/SCUF/1001.

3. In the affidavit filed in support of this application, the applicant has explained that the impugned Award dated 06.01.2023 was passed without issuance of notice to the applicant.

4. Paragraph 5, 6 and 7 of the affidavit filed in support of the application are reproduced below:-

"5. I submit that without considering the totality of facts and circumstances, and the fact that the petitioners has replied vide notice dated 08.06.2021, the Respondent initiated Arbitral Proceedings unilaterally appointing one Mr.J.Ramakrishnan as the Arbitrator. The Respondent



A.No.5010 of 2023

without issuing the reference Notice to the Petitioners unilaterally appointed the Arbitrator.

6. I submit that the arbitrator initiated the proceedings and passed an impugned Award dated 06.01.2023 without issuing any notice of hearing and without hearing the Petitioners by violation of natural justice. The Petitioners received the Xerox copy of the impugned Award dated 06.01.2023 by post on 17.03.2023.

7. I submit that the present case presents a shocking picture of a patent collusion between the respondent and the alleged Arbitrator who claims to have passed the impugned Award. The facts, as unfurled here-in-below, would show that the Arbitrator has thrown all norms of judicial propriety to the winds, and has passed an Award in a manner that, ex-facie, brings the entire Arbitration mechanism into disrepute."

5. The submission of the applicant is acceptable as the applicant has made out a case for condoning the delay under Section 34(3) of the Arbitration and Conciliation Act, 1996.

6. Hence, this application stands allowed.

7. Registry is directed to number the Original Petition, if papers are otherwise in order.

11.12.2023

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