

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

ARBITRATION APPLICATION NO.28 OF 2024

Harman Logistics LLP

... Applicant

V/s.

Hindustan Construction Company Ltd.

... Respondent

Mr. Mukesh Pabari (through VC) for the Applicant.

CORAM : ARIF S. DOCTOR, J.

DATE : 8TH AUGUST 2024

P.C. :

1. When the matter was called out, Learned Counsel appearing on behalf of the Applicant submitted that a copy of the present Application has been duly served upon the Respondent.

2. A perusal of the said Affidavit of Service simply states as follows :-

1 I say that I have served the Arbitration application to the respondents having their address at Hindustan Construction Co.Ltd, Hindustan House , Lalbhadur Shastri Mag , Gandhi Nagar , Vikroli West Mumbai —400083 copy of Arbitration application to served the respondent and they had received on 3/5/2024 and same is duly served upon the respondent Hereto annexed and marked **EXHIBIT A** is the acknowledgement card.

2 *I say that I am making this affidavit to prove the services of Arbitration application alongwith all the annexure .”*

3. I find that the Affidavit is lacking of the necessary averments which would show that the Respondent has been duly served. Though an acknowledgment card has been annexed, there are no averments in support of the fact that the Respondent was duly served and this acknowledgment pertains to such service.

4. Hence, Learned Counsel for the Applicant is directed to file proper Affidavit of Service.

5. Issue notice to the Respondent, returnable on 5th September 2024.

(ARIF S. DOCTOR, J.)