



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 6964/2024

(Chandrashekhar Shamrao Kale & anr. Vs. HDFC Bank Ltd., (Agricultural Branch), Amravati & anr.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P. R. Agrawal, Advocate for petitioner.

CORAM: G. A. SANAP, J.

DATED : 05/12/2024.

Heard the learned Advocate for the petitioners.
Perused the record and proceedings.

2. Challenge in this petition is to the order dated 09.10.2024 passed by the learned District Judge-3, Amravati, whereby the learned Judge held that the application filed under Section 34 of the Arbitration and Conciliation Act, 1996 ("Act of 1996"), was not within time.

3. It appears on perusal of the order that the learned Judge has not properly appreciated the provisions of Section 34(3) of the Act of 1996. The learned Judge has proceeded on the assumption that the period of limitation would be counted from the date of service of notice in the main arbitration proceedings. Section 34(3) of the Act of 1996 does not permit such interpretation. Section 34(3) of the Act of 1996 speaks about the limitation of three months from the date of receipt of the Arbitral Award. It is the

contention of the learned Advocate for the petitioners that a copy of the arbitral award was not served.

4. In my view, therefore, this order, which is ex-facie contrary to the provisions of Section 34(3) of the Act of 1996, cannot be sustained. Accordingly, the impugned order is set aside.

4. The learned District Judge-3, Amravati shall take step and proceed further in the matter.

(G. A. SANAP, J)

Gohane