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C.M.P.Nos.12887, 12882 of 2024 in O.S.A.SR.Nos.6777, 6778 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR

C.M.P.Nos.12887, 12882 of 2024 in O.S.A.SR.Nos.6777, 6778 of 2024

V.Kanchana	..	Petitioner in CMP.No.12887 of 2024 & Appellant in OSA.SR.No.6777 of 2024
V.Elango	..	Petitioner in CMP.No.12882 of 2024 & Appellant in OSA.SR.No.6778 of 2024

-VS-

1. M/s S.M.C.Global Securities Ltd.,
Having its office at No.17, Netaji Subhash Marg
Darya Ganji, New Delhi 110 002
 2. Mr.A.V.Haridasan
Sole Arbitrator functioning from
Regional Arbitration Centre
National Stock Exchange of India Ltd.,
7th Floor, Arihant NITCO Park
No.90, Dr.Radhakrishnan Salai
Mylapore, Chennai 600 004
- .. Respondents in both cases

Civil Miscellaneous Petitions filed under Section 5 of the Limitation Act praying to condone the delay of 654 days in filing the appeals.



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Memorandum of Grounds of Original Side Appeals filed under Order XXXVI, Rule 1 of the Madras High Court Original Side Rules read with Clause 15 of the Letters Patent read with Section 37 of the Arbitration and Conciliation Act, 1996, against the order dated 18.08.2021 passed by the learned single Judge in O.P.Nos.365 & 366 of 2008, respectively.

For Petitioners/
Appellants :: Mr.Vikkiram Raj

For Respondents :: Ms.Preeti Kumari for R1
No appearance for R2

COMMON ORDER

(Order of the Court was made by S.S.SUNDAR, J.)

These petitions are filed to condone the delay of 654 days in filing the above original side appeals, as against the order passed by the learned single Judge of this Court in the applications filed under Section 34 of the Arbitration and Conciliation Act, 1996 to set aside the arbitral award.

2. In the affidavits filed in support of the petitions, the petitioners have only stated that due to inadvertence and oversight, there is a delay of 654 days. Except denying the signatures in certain documents, the petitioners, who are the appellants in the above appeals, have not raised any other ground in the applications in O.P.Nos.365 & 366 of 2008 to set aside the arbitral award. It is to be noted that the arbitral award was passed way



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back on 13.03.2008 and the original petitions in O.P.Nos.365 & 366 of 2008 to set aside the arbitral award, were disposed of on 18.08.2021. More than 16 years have gone after the proceedings commenced. Even before this Court, the petitioners have not given any valid reason for the inordinate delay of 654 days. The very purpose and object of the Arbitration and Conciliation Act will be defeated if we casually condone the huge delay in filing the appeals under Section 37 of the Arbitration and Conciliation Act, challenging the order dismissing the original petitions under Section 34 of the Arbitration and Conciliation Act to set aside the arbitral award of 2008. In the absence of any reason, this Court is not inclined to entertain the petitions. Accordingly, the civil miscellaneous petitions are dismissed. Consequently, O.S.A.SR.Nos.6777 & 6778 of 2024 are rejected.

Index : yes/no
Neutral Citation : yes/no

(S.S.S.R.,J.) (K.R.S.,J.)
27.08.2024

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S.S.SUNDAR, J.
and

K.RAJASEKAR, J.

SS

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