



C.M.P.No.7671 of 2024

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in
C.M.A.SR.No.25627 of 2024
(Filing Number)

M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

[Order of the Court was made by M.SUNDAR. J.,]

Captioned 'Civil Miscellaneous Petition' [hereinafter 'CMP' for the sake of brevity, convenience and clarity] has been filed with a 'condonation of delay' ['CoD'] prayer.

2. CoD is qua 73 days delay in filing the captioned 'Civil Miscellaneous Appeal' [hereinafter 'CMA' for the sake of brevity, convenience and clarity] which is an appeal under Section 13(1) of 'The Commercial Courts Act, 2015 [Act 4 of 2016]' {hereinafter 'CCA' for the sake of brevity} read with Section 37 of 'The Arbitration and Conciliation Act, 1996 (Act No.26 of 1996)' [hereinafter 'A and C Act' for the sake of convenience and clarity].



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3. Mr.Mukund Rao, learned counsel of M/s.Eswar, Kumar and Rao Law Firm for the petitioner draws our attention to support affidavit and submits that possibility of giving conclusion to the matter by resorting to Samadhan Scheme was being explored, that did not fructify and that has caused delay.

4. Before we issue notice, we deem it appropriate to delete R2 from array of parties by applying *Vinay Heavy Equipments* principle [*Zonal General Manager, Ircon International Limited Vs. Vinay Heavy Equipments* reported in (2015) 13 SCC 680]. To be noted, R2 is learned Sole Arbitrator who rendered Arbitral Award. This leaves us with R1 as the lone respondent.

5. Issue notice to lone respondent.

6. Mr.Subramanian Vaidyanathan, learned counsel representing Mr.Anirudh Krishnan, with address for service at No.20, Madhumalathi Seethammal Road, Seethammal Colony, Alwarpet, Chennai-600 018, accepts notice for lone respondent and learned counsel submits that petitioner should have been more diligent.



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7. Considering the facts and circumstances of the case, nature of matter and manner in which the parties are circumstanced, delay is condoned. In other words, CoD is acceded to i.e., captioned CMP is ordered as prayed for. There shall be no order as to costs.

[M.S., J]

[K.G.T., J]

16.04.2024

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