



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 1858 OF 2021
IN ARBAST/14010/2020**

NATIONAL HIGHWAYS AUTHORITY OF INDIA REPRESENTED BY ITS
PROJECT DIRECTOR DHULE
VERSUS
IBRAHIM NAGIN KHATIK AND OTHERS

...
Advocate for Applicant : Mr. D. P. Madkar h/f. Mr. D. S. Manorkar
Advocate for Respondents No.1 and 2 : Mr. S. P. Tiwari
Advocate for Respondent No.4/State : Mr. R. D. Raut
...

CORAM : ROHIT W. JOSHI, J.

DATE : 11-08-2025

PER COURT:-

1. This is an application seeking condonation of delay of 79 days for filing appeal under Section 37 of the Arbitration and Conciliation Act, 1996. It is stated that the delay has occurred due to official formalities regarding taking approval, etc.
2. Respondent/land-owner has filed reply opposing the application. It is contended in the reply that delay is of 280 days and not 79 days. The impugned judgment and order has been passed on 09.09.2019 and the appeal is filed on 14.09.2020. According to the respondent, the limitation for filing was expired on 08.12.2019. However, the respondent has not taken into account the days required for obtaining certified copies and has not subtracted the same. Likewise, the reply filed by respondent

also does not take into consideration the fact that Covid-19 lockdown was imposed on 25.03.2020 and by virtue of order of the Hon'ble Supreme Court, limitation for filing cases was extended upto 30.06.2022. The appeal is filed within this period. The office has correctly calculated days caused in filing appeal. Having regard to the aforesaid, the civil application is allowed. Delay of 79 days caused in filing appeal is condoned.

3. Office to register the arbitration appeal.

4. Issue notice to respondents in ARBAST No.14010/2020. Learned A.G.P. waives service of notice for respondent No.4/State. Notice to respondents No.1 and 2 is made returnable on 30.09.2025.

5. Appellant is directed to serve respondents No.1 and 2 by registered post acknowledgment due, in addition to regular mode of service.

**[ROHIT W. JOSHI]
JUDGE**

rrd