

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
INTERIM APPLICATION NO. 12079 OF 2024  
WITH  
INTERIM APPLICATION NO. 12080 OF 2024  
IN  
ARBITRATION APPEAL (L) NO. 9267 OF 2024

National Highway Division, Ratnagiri Through ...Applicant  
Executive Engineer

***Versus***

Abhijit Ashok Surve & Ors. ...Respondents

Ms. Kajal Gupta, a/w Shweta Singh, i/b M.V. Kini & Co., for the Applicant.

Appearance not received for Respondents.

CORAM : SOMASEKHAR SUNDARESAN, J.  
DATE : JULY 21, 2025

**ORDER :**

1. Having examined the Application seeking condonation of delay and the affidavit in reply filed on behalf of the Respondents, it is evident that the decision taken on February 5, 2025 in Executive Engineer National Highway Division vs. Sanjay Shankar Surve & Ors. (Arbitration Appeal (L) No.8703 of 2024) would squarely cover this Application as well.

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2. In the judgement dated February 5, 2025 a reference was drawn to the decision of the Supreme Court in *Borse Brothers*<sup>1</sup> as well as *Postmaster General*<sup>2</sup> and it was pointed out that the grounds set out in the Application being, flimsy and vague, do not lend themselves to acceptance.

3. I see no reason to deviate in the approach to this Application, and in fact, this Court must be consistent in its approach across all Applications for condonation of delay. Consequently, this Application for condonation of delay is *rejected* for the very same reasons as set out in the decision in Arbitration Appeal (L) No.8703 of 2024. Since the delay is not being condoned, the Petition cannot be entertained.

4. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[ SOMASEKHAR SUNDARESAN, J.]

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1 *Executive Engineer v. Borse Brothers Engineers and Contractors Private Limited – (2021) 6 SCC 460*

2 *Postmaster General v. Living Media (India) Ltd. – (2012) 3 SCC 563*