

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
IN ITS COMMERCIAL DIVISION
INTERIM APPLICATION NO. 12082 OF 2024
WITH
INTERIM APPLICATION NO. 12083 OF 2024
IN
ARBITRATION APPEAL (L) NO. 8843 OF 2024**

Executive Engineer ...Applicant

Versus

Amit Mangesh Kadam & Ors ...Respondents

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

Ms. Revati Desai, i/b Chetan Mali, for Respondent No.1.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : AUGUST 5, 2025

ORDER :

1. Learned Counsel for the Applicant submits that the delay is of only ten days, since a copy of the order dated August 6, 2022 was delivered to the Applicant on August 26, 2022 and the Appeal was filed on January 7, 2023. The three-month period would have expired on November 26, 2022 whereas the thirty days thereafter would fall on December 25/26, 2022.

2. Learned Counsel for the Respondent has stringently opposed condoning the delay. She points to the filing status obtaining from the website of this Court, which indicates that the filing was effected on March 21, 2024. However, Learned Counsel for the Applicant tenders an electronic acknowledgment which suggests that e-filing date and time of the matter was January 7, 2024 at 12:27:12 p.m. To this, Learned Counsel for the Respondent raises further objection stating that the e-acknowledgment may potentially be of some other matter inasmuch as the Appellant's name is shown as "NHAI" whereas the matter under reference is filed by "Executive Engineer" and there is more than one Respondent shown in the document submitted by the Applicant.

3. Registry to examine if the e-filing number EC-HCBMo1-00033-2023 corresponds to the Appeal (L) No.8843 of 2024. Let such confirmation be provided within a period of one week from today.

4. Stand over to ***August 12, 2025***.

5. 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.]