

MJ Jadhav

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION (L) NO. 1683 OF 2023
WITH
INTERIM APPLICATION NO. 7270 OF 2025
WITH
INTERIM APPLICATION (L) NO. 23096 OF 2023
IN
ARBITRATION PETITION (L) NO. 1683 OF 2023**

Navodaya Enterprises Through Its Partner ... Petitioner/Applicant
Mr. Naganand Hegde

Vs.

Tata Motors Finance Solution Limited ... Respondent

Digitally
signed by
MANGALTAI
JAYWANT
JADHAV
Date:
2025.12.30
16:18:04
+0530

Mr. Mohammed Zain Khan a/w Mr. Asharf Kapoor i/b One Legal for
the Petitioner.

Ms. Kunjita Shah a/w Mr. Siddhant Dalvi i/b IV Merchant & Co. for
the Respondent.

CORAM : GAURI GODSE, J.

DATED : 23rd DECEMBER 2025

ORDER:

INTERIM APPLICATION NO. 7270 OF 2025

1. This application is for condonation of the delay of 25 days in
filing the arbitration petition under Section 34 of the Arbitration and
Conciliation Act, 1996.

2. By order dated 16th December 2025, the controversy regarding the date of e-filing of the arbitration petition was decided, holding that 6th January 2023 is to be treated as the date of filing of the arbitration petition. In view of the notarised application, tendered in Court, did not bear the signature of the petitioner, this Court had permitted the petitioner to file an affidavit affirmed in this Court to support the statements made in the application for condonation of delay. Accordingly, on 22nd December 2025, learned counsel for the petitioner tendered an affidavit dated 20th December 2025, signed and executed by the petitioner's authorised representative. Learned counsel for the petitioner has tendered an additional affidavit dated 23rd December 2025, sworn before the Officer of this Court. The affidavit is taken on record. The petitioner has confirmed the statements made in the original application for delay condonation and the statements made by the learned advocate for the petitioner in his personal affidavit.

3. In the application for condonation of delay, the petitioner has explained the reasons for the delay in filing the arbitration petition and the steps taken to file the application. The petitioner has contended that, in view of the compulsory e-filing made effective from 1st January 2023, certain difficulties were faced in uploading and filing the petition. The petitioner has also stated that the ex

parte award was received on 10th September 2022. The petitioner had sent e-mails through his advocate to the learned arbitrator, requesting that the learned arbitrator provide the entire record of the arbitration proceedings. However, despite follow-ups, the records were not provided to the petitioner. The petitioner has therefore contended that some time was required to brief his advocate about the proper facts for preparing the arbitration petition. All these facts are pleaded in detail in the application. The petitioner has therefore stated that the delay is unintentional and arose solely because the steps required of the petitioner to prepare the arbitration petition to set aside the ex parte award needed some time.

4. Learned counsel for the respondent opposes the application on the ground that the reasons are not justifiable and not acceptable. According to the learned counsel for the respondent, the reasons are vague and do not justify the delay in filing the arbitration petition.

5. I have perused the application carefully. There is no affidavit-in-reply filed to the application disputing the statements made in the application. Hence, I see no reason to disbelieve the grounds raised in the application for condonation of delay. However, it is necessary to note that two separate applications are available, as recorded by

this Court in its order dated 21st November 2025. Pursuant to the order passed by this Court, a report of the learned Prothonotary and Senior Master is placed on record. Since there was a discrepancy between the uploaded PDF file and the original notarised application, the learned advocate for the petitioner has tendered his personal affidavit, tendering an unconditional apology and taking full responsibility for the manner in which the PDF file of the application for condonation of delay was uploaded. The reason given by the learned advocate for uploading the signed PDF copy is explained in paragraph 6 of his personal affidavit. Paragraph 6 reads as under:

“6. I further say that thereafter the said IA was e-filed by the filing clerk and I was under a bonafide impression that the same has been filed duly notarized as required as per the Original Side, Bombay High Court Rules and the E-filing Rules. In this backdrop, being unaware of the fact that signatures is not obtained on the said IA, the original copy of the same was submitted/tendered in this Hon’ble Court during hearing when this Hon’ble Court took cognizance of the same and directed the Ld. Prothonotary & Senior Master to issue notice to the notary advocate namely Adv. Obaidullah Azmi, which came as a shock and upon enquiry with my office clerk it was informed that being under pressure that said IA was e-filed by affixing impression of my signature as well as the signature of Mr. Naganand Hegde in the scan pdf copy of the said IA and had e-filed it but did not inform me about the same.”

6. Learned counsel for the petitioner has taken the full responsibility for the act of affixing the impressions of the signatures of the advocate and the petitioner while uploading the PDF file. Learned advocate for the petitioner has tendered his personal unconditional apology and has also given an undertaking in his affidavit that all possible steps would be taken to ensure that such an act would not be repeated in the future. The relevant paragraph 9 of the affidavit dated 11th December 2025 reads as under:

“9. I, being a responsible advocate and an officer of this Hon’ble Court, do hereby take full responsibility without giving any excuse for the act done by the filing clerk and tender unconditional apology to this Hon’ble Court and give an undertaking to be cautious /vigilant enough to take all steps to ensure that such act is not repeated in future.”

7. In the report submitted by the learned Prothonotary and Senior Master, a certificate is attached evidencing verification of the documents by the concerned advocate at the time of uploading, thereby stating that the petitioner's partner has signed and verified the correctness of the pleadings and uploaded the document in his presence. Thus, it appears that in view of the e-filing Rules of the High Court of Bombay, 2022, the statements of the advocate while uploading the PDF files of the original record are recorded as contemplated under Rule 5 of the said Rules.

8. The e-filing process is provided for the convenience of businesses and as a facility for advocates and litigants. Hence, it is the responsibility of the advocate to upload the correct PDF documents of the original papers, which remain in the custody of the advocate. Such conduct, namely imprinting the advocate's signature and the party's signature on the PDF file in the absence of the original documents signed by the advocate and the party, would constitute fraudulent conduct. If such conduct is not taken seriously and is routinely followed, it would permit advocates to upload the files in the absence of the parties' signatures. Hence, such conduct, namely, imprinting the signatures of the advocates or the parties on an affidavit that is not signed before the notary or the concerned officer, would constitute fraud upon the Court and misuse of the e-filing facility. Such conduct, therefore, cannot be justified.

9. However, the learned advocate for the petitioner has filed his personal affidavit accepting full responsibility for the e-filing of such application by affixing the signatures on the PDF file. He has also tendered an unconditional apology and given an undertaking that such an act of filing shall not be repeated. The petitioner has also confirmed the statements made by the learned advocate for the petitioner. Thus, the authorised representative of the petitioner confirms the contents of the application for delay condonation, as

well as confirms the reasons stated by the advocate for the manner in which the application was uploaded.

10. In view of the unconditional apology tendered by the advocate for the petitioner and also the petitioner by filing separate affidavits, the unconditional apology is accepted subject to payment of costs. Such an act would constitute misuse of the e-filing facility, which is intended to ease the filing process. The seriousness of the matter is that a party and the advocate are expected to upload true copies of the original record and not misuse the facility. Hence, it would be appropriate to quantify the costs at Rs. 1 Lakh. The petitioner or his advocate shall pay the costs within six weeks from today to the following account :

Account Name	: The High Court Employees Medical Welfare Fund at Mumbai
Bank Name and Branch	: Bank of India, Mumbai (Main) Branch
Account No	: 000120110001337
IFSC Code	: BKID0000001

11. Subject to the payment of costs within the time granted, the Interim Application No.7270 of 2025 is allowed in terms of prayer clauses (a) and (b).

12. By order dated 16th December 2025, the learned Registrar of the concerned department was directed to verify the relevant rules and permissions granted to the concerned department or the clerk for accessing the Court's files after they are shared with the Court for the matters scheduled for hearing on the fixed dates as per the causelist. It is observed in paragraphs 10 and 11 of the order dated 16th December 2025 that if such an access is permitted under any of the Rules to the concerned clerk, it would be necessary to re-examine the same, as the soft copies which are shared with the Court are the original record and thus cannot be permitted to be accessed without leave of the Court. The learned Registrar of the concerned department was therefore directed to verify the procedural aspects and submit a report. This Court is informed that the procedure for verifying the relevant Rules and preparing the report will take some time; therefore, additional time is required to file the report.

13. List the arbitration petition for further directions in view of paragraphs 10 and 11 of the order dated 16th December 2025.

14. Stand over to 9th January 2026.

(GAURI GODSE, J.)