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OSA (CAD) No.25 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2025

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

OSA (CAD) No.25 of 2025

Sanghvi Movers Ltd.

S.No.92, Tathawada

Pune-411033.

Represented by its Senior Manager (legal),

Mr.Vinayak Shirgaonkar

.. Appellant

Vs.

1.Bharat Heavy Electrical Ltd., Trichy,
Represented by its Executive Director,
Senior Deputy General Manager,
Works Contract Management Department,
Authorised Signatory,
Trichy.

2.Mr.Justice S.Rajeswaran,
Judge (Retired) Madras High Court,
Sole Arbitrator
AA 67, Second Street, Anna Nagar,
Chennai -600040

.. Respondents



OSA (CAD) No.25 of 2025

WEB COPY

Prayer : Appeal under Order 13(1) of Commercial Court Act of the Original Side Rules read with Clause 15 of Letters Patent against the order dated 23.10.2024 in Application in A.No.4898 of 2024 in Arb.O.P.[COM.DIV] Diary No.56672 of 2024.

For Appellant : Mr.D.R.Raghunath

JUDGMENT

(Judgment of the Court was delivered
by the Hon'ble Chief Justice)

The appeal impugns an order dated 23.10.2024 passed by a learned Single Judge of this Court, by which the court was pleased to condone the delay of 30 days in re-presenting the Original Petition under Section 34 of the Arbitration and Conciliation Act, 1996 before this Court.

2. The learned Single Judge, after giving an opportunity to appellant to file a counter to the delay condonation application, exercised his discretion and condoned the delay on being satisfied with the reasons contained in the affidavit filed in support of the application.



WEB COPY



OSA (CAD) No.25 of 2025

3. Since the order impugned is a discretionary order and the explanation for the delay of 30 days in re-presenting the Original Petition has found favour with the learned Single Judge, we see no reason to interfere. The appeal is dismissed. There will be no order as to costs.

4. All rights and contentions are kept open.

(K.R.SHRIRAM, CJ)

(MOHAMMED SHAFFIQ.J.)

24.02.2025

Index : Yes/No
Neutral Citation : Yes/No

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OSA (CAD) No.25 of 2025

THE HON'BLE CHIEF JUSTICE
AND
MOHAMMED SHAFFIQ.J.

(mrn)

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