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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
COMMERCIAL ARBITRATION PETITION (L) NO. 21959 OF 2023  
WITH  
INTERIM APPLICATION NO. 430 OF 2026**

JBM Industries Limited ... Petitioner/Applicant

vs.

Bharat Petroleum Corporation Limited ... Respondent

Mr. Jonathan D'sylva for Petitioner/Applicant.

Mr. Aliabbas Delhiwal, Ms. Usha Singh, Mr. Pritesh Haridas Bodekar

i/b. Vyas and Bhalwal for the Respondent.

Digitally  
signed by  
VARSHA  
VIJAY  
RAJGURU  
Date:  
2026.03.06  
20:50:00  
+0530

**CORAM : GAURI GODSE, J.**

**DATED : 6<sup>th</sup> MARCH 2026**

**ORDER:**

**INTERIM APPLICATION NO. 430 OF 2026**

1. This application is for dispensing with the objection no. 5, raised in the commercial arbitration petition stating that the petition is filed beyond time. Learned counsel for the applicant submits that the arbitration petition is filed within limitation and there is no delay; hence, there is no need to file application for condonation of delay. He submits that the application was filed through the e-filing portal on 27<sup>th</sup> February 2023. He submits that the award dated 28<sup>th</sup>

November 2022 was received by the petitioner on 28<sup>th</sup> November 2022. He therefore submits that the petition that was filed through the e-filing portal was filed on the last date i.e., 26<sup>th</sup> February 2023.

2. To support his submissions, learned counsel for the petitioner relied upon the auto generated SMS which was received by the advocate for the petitioner and forwarded to the petitioner.

3. Considering the statements made in the petition regarding e-filing and the date of e-filing through the old module which was not available, the concerned Master and Assistant Prothonotary (Centralised Filing Department) was directed to verify the statement made in the application and submit the report. Accordingly, the report dated 27<sup>th</sup> February 2026, is placed on record. The report states that the EC Number is through the old e-filing portal module (2.0). The report further states that since 13<sup>th</sup> August 2024, this court migrated from old filing portal to new e-filing portal and therefore all the e-filing data of old portal is not available. However, the printout of OTP e-verified certificate is annexed to the report which shows that the advocate for the petitioner had paid the court fees through the e-filing portal payment gateway on 27<sup>th</sup> February 2023.

4. I have perused the report and the certificate. The certificate clearly mentioned that the court fees were paid on 27<sup>th</sup> February

2023. The petitioner also relies upon the EC Number to support his submission that the petition was lodged through e-filing portal on 27<sup>th</sup> February 2023. In view of the decisions of this court in the case of *Navodaya Enterprises Vs. Tata Motors Finance Solution Limited*<sup>1</sup> and *NBK Films LLP Vs Reliance Industries Limited*<sup>2</sup>, the action taken electronically is accepted as the date of filing. Hence, in the present case, the date of filing of the petition is accepted as 27<sup>th</sup> February 2023, filed through e-filing portal.

5. For the reasons recorded above, the application is allowed in terms of prayer clause (a). Office is directed to register the petition and list it for 'admission' on 27<sup>th</sup> March 2026.

(GAURI GODSE, J.)

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1 IA No. 7270 of 2025 in ARBPL No. 1683 of 2023, Order dated 16<sup>th</sup> December 2025

2 Interim Application (L) No. 8410 of 2023 in Commercial Suit No. 178 of 2022 dt.18/1/2024