

MHTH010029072024



Civil M.A. NO.159/2024.
CNR NO. MHTH01-002907-2024.

Project Director, National Highways
Authority of India.

..Applicant.

Vs.

Nandkishor Gopal Patkar & Ors.

..Respondents.

: ORDER BELOW EXH.1 :

This is an application for condonation of delay u/s. 5 of the Limitation Act. Perused reply submitted by respondent No.1 vide Exh.9.

2) It is not disputed that impugned Award is pronounced by Ld. Arbitration Tribunal on 26/09/2023. The certified copy is filed on record.

3) Heard Ld. Advocate Jayant Joshi for applicant and Ld. Advocate Amruta Kharkar for respondent No.1 at sufficient length.

4) It is to note that respondent Nos. 2 & 3 are duly served by RPAD and tracking report of the Postal Dept. However, both failed to appear before the Court. Hence, petition is proceeded ex-parte against respondent Nos. 2 & 3.

5) It is not disputed that present application for

condonation of delay is filed on 14/06/2024. It is bounden duty of the Arbitration Tribunal to comply section-31(5) of the Arbitration & Conciliation Act to serve the copy to both side. There is no material on record that section-31(5) of Arbitration & Conciliation Act is duly complied by the Ld. Arbitrator.

6) Ld. Advocate Kharkar submits that there is one endorsement wherein “आवक क्र.४४७५ दि. ०६/१०/२०२३” is mentioned. The column No.5 also bears endorsement “कटीबद्ध”. Therefore, Ld. Advocate Kharkar contends that copy was served on 06/10/2023. On perusal of last page of the Award it appears to be internal correspondence between Arbitrator and Legal Department.

7) On perusal of certified copy, it came to be received to the applicant on 07/05/2024. Therefore, it is well within limitation. Impugned delay, if any, stands condoned. Hence, the order.

: O R D E R :

- 1) Application is allowed. No order of cost.
 - 2) Impugned delay, if any, stands condoned.
 - 3) Appeal be registered in next two weeks.
 - 4) Both side are present before the Court, therefore, there would be no necessity of issuance of separate notice.
- With consent next date 25/04/2025 is given.

Date-24/03/2025.
Thane.

(G.G.Bhansali)
District Judge-6, Thane.