



Order Sheet

ARBA No.42 of 2023State of Chhattisgarh **Versus** SMEC International Pty. Ltd.

13/02/2024	Shri Ratan Pusty, GA for the State/Appellant. Ms. Priyal Shrivastava, Advocate appears on behalf of Shri Palash Tiwari, Advocate for the Respondent. Heard on I.A. No.1, which is an application for condonation of delay in filing the instant arbitration appeal. The instant appeal is barred by 6 days. Having considered the law laid down by the Supreme Court in the matter of <i>Government of Maharashtra (Water Resources Department) Represented by Executive Engineer Vs. Borse Brothers Engineers and Contractors Private Limited {(2021) 6 SCC 460}</i>, wherein it has laid down that the limitation would be applicable to an appeal under Section 37 of the Arbitration & Conciliation Act, 1996, we find that the delay has been properly explained under Section 5 of the Limitation Act. Having considered the facts situation of the case; applying the aforesaid principles of law; and being satisfied with the reasons stated in the application (I.A. No.1), which is supported by an affidavit, the



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same is allowed and the delay of 6 days in filing the application is
condoned.

Since the respondent has already appeared, no further notice
would be required.

Let the paper-book be filed in accordance with the C.G. High
Court Rules within a period of 10 weeks.

List the case thereafter for final hearing.

SD/-

(Goutam Bhaduri)
Judge

SD/-

(Radhakishan Agrawal)
Judge

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