

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 323 OF 2019
WITH
ARBITRATION PETITION (LODGING) NO. 1253 OF 2019**

Union of India, Through CAO (C) ... Applicant/Petitioner
vs.

Sagar Infra Rail International Limited ... Respondent

Mr. T. J. Pandian for applicant/petitioner.

Mr. Nitesh V. Bhutekar for respondent.

CORAM : MANISH PITALE, J

DATE : 11th APRIL, 2023

P.C. :

. This is an application seeking condonation of delay of 23 days in filing the accompanying petition, beyond the 3 months period, specified under Section 34(3) of the said Act, for challenging the arbitral award. In the application, the reasons for delay have been stated in paragraph Nos.3 and 4. It is stated that after the award was received at the Head quarter of the petitioner, appropriate instructions were required from the office at Pune, which was the authority really concerned with the arbitral proceedings and the impugned award. The process took some time, resulting in delay of 23 days in filing the accompanying petition.

2. The respondent has opposed the prayer made in the present application. But, considering the facts and circumstances brought to the notice of this Court, sufficient grounds are made out for condoning the delay of 23 days.

3. Accordingly, the application is allowed and the delay is condoned.
4. Learned counsel for the respondent submits that the respondent has gone into liquidation and that a resolution professional is presently incharge of the affairs of the respondent. It is submitted that instructions are received from the resolution professional and that *vakalatnama* will be placed on record shortly.
5. In view of the above, list the petition for further consideration on 19th June, 2023.
6. Reply affidavit, if any, be filed on behalf of the respondent, within four weeks from today.
7. Rejoinder affidavit, if any, be filed within two weeks thereafter.

(MANISH PITALE, J)

Priya Kambli

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