

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

917 ARBITRATION APPEAL NO.29 OF 2021
WITH CA/7007/2021 IN ARBA/29/2021

GODAVARI MARATHWADA IRRIGATION DEVELOPMENT
CORPORATION AURANGABAD THR EXECUTIVE ENGINEER
JAYAKWADI
VERSUS
S.S. DESHMUKH

...
AND

918 ARBITRATION APPEAL NO.30 OF 2021
WITH CA/7008/2021 IN ARBA/30/2021

GODAVARI MARATHWADA IRRIGATION DEVELOPMENT
CORPORATION THR EXECUTIVE ENGINEER JAYAKWADI
VERSUS
S. S. DESHMUKH

...
AND

919 ARBITRATION APPEAL NO.31 OF 2021
WITH CA/7009/2021 IN ARBA/31/2021

GODAVARI MARATHWADA IRRIGATION DEVELOPMENT
CORPOATION THR EXECUTIVE ENGINEER JAYAKWADI
VERSUS
S. S. DESHMUKH

...
Advocate for Appellant : Mr. S. G. Bhalerao

...

CORAM : AVINASH G. GHAROTE, J.

DATED : 30th JULY, 2021.

...

PER COURT :

1. Mr. Bhaleraon, learned counsel for the applicant/s raises the contention that in spite of the expiry of the extended period of the contract dated 5/1/96 on 31/12/1998, the work was not completed and

was done beyond the terms of the contract. He further submits that clause 52 which contains a mechanism for appointment of an arbitrator was not followed. He further submits that the claim was not filed within limitation. The contention is that the extended period of contract expired on 31/12/1998 and the notice invoking the arbitration clause, was issued 3 years thereafter consequent to which an arbitrator was appointed, and therefore, the claim was beyond limitation of three years as per the relevant provision of the Limitation Act. To demonstrate the bar of limitation, Mr. Bhalerao, learned counsel seeks leave and time to place on record the notice invoking the arbitration clause. It is admitted, that raising of such a plea, is not reflected from the award dated 10/07/2013.

2. List the on 5th of August, 2021, by which date the copy of notice as indicated above, be placed on record. It is made clear that if the same did not form a part and parcel of the record before the learned Arbitrator, the same shall not be considered.

(AVINASH G. GHAROTE, J.)

vsm/-