

HIGH COURT OF SIKKIM : GANGTOK
Record of Proceedings

IA NO. 01/2024
IN
Arb. A. No. 04/2024

UNION OF INDIA

APPELLANT (S)

VERSUS

M/S MK INFRASTRUCTURE (P) LTD.

RESPONDENT (S)

For Appellant : Ms. Sangita Pradhan, Deputy Solicitor General of India with Ms. Natasha Pradhan, Advocate.

For Respondent : Mr. Karma Tshering Tamang, Advocate.

Date: 04/07/2024

CORAM:

HON'BLE MR. JUSTICE BISWANATH SOMADDER, CHIEF JUSTICE
HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE

...

ORDER : (per the Hon'ble, the Chief Justice)

Let the report of the Stamp Reporter together with the report filed by the learned Registrar in the Court, pursuant to our order dated 15th May, 2024, be kept on record.

It appears that the Registry, while permitting filing of the instant Arbitration Appeal, did not take notice of the judgment of the Hon'ble Supreme Court rendered in the case of ***Government of Maharashtra (Water Resources Department) Represented by Executive Engineer vs. Borse Brothers Engineers and Contractors Private Limited*** in ***(2021) 6 SCC 460***. In other words, the Registry ought to have taken notice of the fact that in the instant case, the period of limitation was sixty (60) days and beyond that period, the Arbitration Appeal ought to have been filed accompanied by an application under Section 5 of the Limitation Act, 1963.

Since the said application has been filed under section 5 of the Limitation Act, 1963 and having heard the learned advocates for the parties and upon perusing the instant application for condonation of delay, it appears that

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sufficient cause has been shown in order to explain the delay in filing of the appeal, the delay is condoned.

The application for condonation of delay is, accordingly, allowed.

The appeal will appear under an appropriate heading three (3) weeks after the monsoon break.

(Bhaskar Raj Pradhan)
Judge

(Biswanath Somadder)
Chief Justice

jk /bp/avi/ami