



State of H.P and another vs. M/s SAB Industries Ltd.

OMP(M) No. 35 of 2024

05.08.2024 Present: Mr. Anup Rattan, Advocate General with Mr. Arsh Rattan Deputy Advocate General for the applicants/appellants.

Mr. K.D Sood, Senior Advocate with Mr. Rahul Gathania, Advocate, for the respondent.

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This application is filed u/s 5 of Limitation Act to condone the delay of about 166 days' in filing the Appeal challenging the judgment dt.05.07.2023 passed by the learned Single Judge in Arbitration Case no.6 of 2012.

It is stated in the application seeking condonation of delay that the judgment of the learned Single Judge was pronounced on 05.07.2023; that certified copy of the judgment was applied for on 12.07.2023; that it was prepared on 17.07.2023 and was delivered on 16.10.2023. It is further stated that the certified copy was inadvertently sent to the wrong Department, which resulted in the delay.

The learned counsel for the respondent has opposed the condonation of delay and contended that the applicants had failed to pursue the matter with due diligence and application lacks *bonafides*. It is also stated that entire amount awarded by the learned Arbitrator had been released in favour of the respondent on different dates.

Having considered the submissions on both sides, since there appears to be a mix up and the copy was sent to the wrong Department, which resulted delay in filing the Appeal, we deem it appropriate to condone the delay in filing the Appeal, subject to applicants' paying cost of Rs.10,000/-to the respondent within six weeks. In default of compliance with this order, this application shall stand dismissed.

Appeal be registered and be listed on
28.10.2024.

(M.S. Ramachandra Rao)
Chief Justice

5th August, 2024
(priti)

(Satyen Vaidya)
Judge