

GAHC010125032018



**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : I.A.(Civil) 2104/2018**

1:UNION OF INDIA AND 2 ORS  
REPRESENTED BY THE SECRETARY , MINISTRY OF DEFENCE , GOVT OF  
INDIA, NEW DELHI

2: THE CHIEF ENGINEER AND THE ACCEPTING OFFICER  
1441  
BRIDGE CONSTRUCTION COY  
PROJECT VARTAK  
C/O 99 APO

3: THE DIRECTOR (CONTRACTS)  
BORDER ROAD ORGANISATION  
DTE GENERAL BORDER ROADS/E-S  
SEEMA SADAK BHAWAN  
RING ROAD  
DELHI  
CANTONMENT  
NEW DELHI-11001

VERSUS

1:M/S DAMODAR ROPEWAY AND CONSTRUCTION COY PRIVATE LIMITED  
HAVING ITS REGISTERED OFFICE AT 1/A, VANSIITHAT ROAD, GPO/PO  
BOX NO 607, KOLKATTA-700001

**Advocate for the Petitioner : MR H GUPTA**

**Advocate for the Respondent :**

**BEFORE**  
**THE HON'BLE MR. JUSTICE PRASANTA KUMAR DEKA**  
**ORDER**

30.09.2020.

Heard Mr. H. Gupta, the learned counsel for the applicants. Mr. K. Deka, the learned counsel is present on behalf of the opposite party.

This is an application under Section 5 of the Limitation Act 1963 for condonation of delay of 31 days in filing the connected Arbitration Appeal under Section 37 of the Arbitration and Conciliation Act, 1996 against the order dated 15.11.2017 in Misc. (J) Review Case No. 17/2016 and Order dated 30.11.2017 Misc.(Arb) Case No. 134/2012 passed by the learned District Judge, Sonitpur.

The explanation for the delay by the applicants is that the impugned order dated 30.11.2017 was communicated by the Assistant Government Pleader on 15.12.2017 alongwith the legal opinion. Subsequent thereto, the inter departmental communication had to be carried out which consumed 31 days in total.

The said explanation is objected by Mr. Deka on the ground that day-to-day, explanation of the delay was not mentioned in the application. The cause shown by the applicants, in my considered opinion is quite logical inasmuch the inter departmental communications are required in order to take the necessary approval for filing any appeal/suit in a Government department.

Considering the same, I am inclined to condone the delay of 31 days which I accordingly do.

This application accordingly stands allowed.

**JUDGE**

**Comparing Assistant**