

Form No: HCJD/C-121  
**ORDER SHEET.**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD.**  
**JUDICIAL DEARTMENT.**

**Writ Petition No.576 of 2021**

National Highway Authority through its Chairman, Islamabad.

VS

M/s Usmani Associates and another.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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03.

02.03.2021.

Ms. Raheema Khan, Mr. Saad Javid Satti and Mr. Sanan Khan, Advocates for the petitioner.  
Mr. Jawad-ur-Rahim Malik, Advocate for respondent No.1.

After hearing arguments of both the learned counsel for the parties in detail, the stance of the petitioner is that respondent No.1 has filed an application under Sections 14 and 17 of Arbitration Act, 1940 before learned District & Sessions Judge (West), Islamabad on 03.11.2020 with a delay of twenty one days, whereas learned counsel for respondent No.1 submits that the delay was bonafide and it was due to the fact that letter from Arbitrator was received on 06.08.2020 as well as there was a notification dated 24.03.2020 from the Hon'ble Islamabad High Court, Islamabad, wherein delay in filing the petitions was condoned on the basis of coronavirus pandemic and all the Courts started regular work from 01-09-2020, vide notification dated 28.08.2020 issued by the Hon'ble Islamabad High Court, Islamabad.

2. Both the learned counsel for the parties state that they will be satisfied if the matter is remanded back to the learned Court of Additional District & Sessions Judge-West, Islamabad for framing the issues regarding the condonation of delay and deciding the point of limitation / delay after recording the evidence produced by both the parties.

3. In view of the above, impugned order dated 07.01.2021 passed by learned Additional District Judge-West, Islamabad is set-aside and the petition filed by respondent No.1 shall deem to be pending before the learned Additional District Judge-West, Islamabad. Learned Additional District and Judge-West, Islamabad is directed to decide the question of limitation/condonation of delay after framing of issues and recording the evidence produced by the parties expeditiously.

4. For the above reasons, the instant petition is **disposed of** accordingly.

**(TARIQ MEHMOOD JAHANGIRI)**  
**JUDGE**