



\$~49

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 14381/2024, CM APPL. 60163/2024 & CM APPL. 60164/2024

ASHOK CHANDEL

.....Petitioner

Through: Mr. Parikshit Mahipal, Advocate

versus

THE KANGRA COOPERATIVE
BANK LTD & ORS.

.....Respondents

Through: None

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

14.10.2024

%

1. Present petition has been filed challenging the order dated 3rd October, 2024 passed by the Delhi Co-operative Tribunal in Appeal No. 119 / 2024 / DCT. The DCT had held that no stay on ex-parte arbitral award dated 6th November, 2021 passed by the learned Sole Arbitrator, in Case No. 429/AR/ARB /2O-21, can be passed until the application for condonation of delay in filing the appeal is decided.
2. The underlying dispute pertains to a loan obtained by the Petitioner along with the Respondent Nos. 2 & 3 from the Respondent No. 1 bank for an amount of INR 4,50,000/-. Subsequently, the Respondent Bank filed a claim petition, wherein the ex-parte arbitral award dated 6th November, 2021 was passed in favor of the Respondent Bank and against the Petitioner and the Respondent Nos. 2 & 3, and the Respondent Bank filed execution proceedings in pursuance of the same.
3. Learned counsel for the Petitioner states that DCT did not grant a stay



on the arbitral award solely on the ground that the condonation of delay application was not decided and did not consider the fact that entire loan amount had already been paid by the Petitioner to the Respondent Bank.

4. He further states that the DCT failed to consider that the learned Sole Arbitrator, was a unilaterally appointed arbitrator, and therefore, lacked inherent jurisdiction to adjudicate the dispute owing to lack of independence and impartiality.

5. A perusal of the appeal filed before the DCT shows that the Petitioner has filed an application for condonation of 1050 days in filing the appeal. The Arbitral Award was passed on 6th November, 2021 and it appears that the appeal was filed only on 23rd September, 2024, therefore, almost a period of three years had passed in preferring the said appeal. This Court is of the view that the delay is unreasonably long and the DCT would need to first consider the application for condonation of delay on merits.

6. It is pertinent to mention that a bare perusal of the Arbitral Award prima facie shows that the Petitioner was provided opportunities to appear before the learned Sole Arbitrator and present his case but he chose not to do so. Only owing to the non-appearance the learned Sole Arbitrator passed the ex-parte award.

7. Accordingly, the present writ petition and applications being bereft of merit are dismissed.

MANMOHAN, CJ

TUSHAR RAO GEDELA, J

OCTOBER 14, 2024/ms