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

+ **FAO (COMM) 232/2023, CM APPL. 57266/2023**
VIJAY MUNDHRAAppellant

Through: Mr. A.P. Sidharth, Adv.

versus

SBI CARDS AND PAYMENTS SERVICES PVT. LTD.

.....Respondent

Through: Mr. Abhijeet Saxena, Adv.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR

ORDER

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10.09.2025

1. The present Appeal has been filed by the Appellant assailing the correctness of an order dated 07.07.2023 [hereinafter referred to as 'Impugned Order'] passed by the Ld. ADJ, Rohini Court, Delhi, whereby a petition filed under Section 34 of the Arbitration and Conciliation Act, 1996 [hereinafter referred to as 'AC Act'] was dismissed on the ground that the same is barred by limitation.
2. It is the case of the Appellant that the Arbitral Award was passed by the learned Sole Arbitrator on 06.12.2010 and the Appellant had received the copy of the Arbitral Award, for the first time, in the month of October 2016.
3. A perusal of the record reflects that the Ld. ADJ, while dismissing the application filed by the Appellant for condonation of delay, has not recorded any finding in the Impugned Order as to when the copy of the Arbitral Award was served upon the Appellant.
4. As per Section 34(3) of the AC Act, the period of limitation for



filing the objection begins from the date on which the party has received the Arbitral Award and as such, while dismissing the application, the Court is expected to record such finding in its order. However, no such finding has been recorded by the Id. ADJ in the Impugned Order.

5. In view of the foregoing observation, the present Appeal is allowed. The Impugned Order is set aside, while requesting the Id. ADJ to decide the application as filed by the Appellant afresh, after recording a positive finding as to when the Appellant had received the signed copy of the Arbitral Award.

6. The parties, through their respective counsel, are directed to appear before the concerned ADJ on 18.09.2025.

7. The present Appeal, along with pending application, stands disposed of.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
SEPTEMBER 10, 2025/jn/hr