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

+ **FAO 179/2025**

RAJA C

.....Appellant

Through: Mr. Surender Gupta, Mr. Rahul
Ranjan and Mr. Deepak Rana,
Advocates.

versus

**M/S SBI CARDS AND PAYMENT
SERVICE LIMITED**

.....Respondent

Through: Mr. Tushar Mawkin, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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22.01.2026

1. By way of the present appeal filed under Section 37 of the Arbitration & Conciliation Act, 1996 ("the Act"), the appellant is seeking setting aside of the order dated 17.05.2025 passed by the learned District Judge-02, North-West District, Rohini Courts, Delhi, in Arbitration Petition 51/2023 titled "Raja C. Vs. M/s SBI Cards and Payment Service Limited" as well as the *ex parte* award dated 02.03.2023 passed by the learned Sole Arbitrator in Arbitration Case No. AA/2022/SBIC/ARB/122839. *Vide* the impugned order, the Trial Court dismissed the objections filed by the appellant under Section 34 of the Act as being time barred.

2. Learned counsel for the appellant assails the impugned order by contending that the learned District Judge failed to appreciate that there was no delay.

3. Learned counsel for the respondent voluntarily submits that the



award, having been passed by an arbitrator who was unilaterally appointed and thereby being hit by the decision of the Supreme Court in Perkins Eastman Architects DCP & Anr. Vs. HSCC (India) Ltd.¹, must be set aside.

4. Learned counsel for the appellant also joins in supporting the said submissions.

5. Keeping in view the said submissions and that the unilateral appointment of an Arbitrator is hit by Perkins (*supra*) and Central Organisation for Railway Electrification Vs. ECI SPIC SMO MCML (JV)², the impugned award is set aside. The parties shall be at liberty to seek the appropriate remedy in accordance with the law.

6. The present appeal is disposed of in the above terms.

MANOJ KUMAR OHRI, J

JANUARY 22, 2026/rd

¹ 2019 SCC OnLine SC 1517

² (2025) 4 SCC 641