



IN THE COURT OF PRINCIPAL DISTRICT JUDGE, YAVATMAL

Civil M. A. No.188/2025

Pawan Jaiprakash Sodhi

..Vs..

M/s. Rajlaxmi Multi State Credit Co-op. Society, Yavatmal

Order Below Exh.1

[Passed on 4th June, 2026]

Being aggrieved by the award passed by the learned sole Arbitrator of Rajlaxmi Multi State Credit Co-operative Society Limited, Yavatmal in Arbitration Proceeding No.ARB/RMCCSY/YTLmb/218/2015, the applicant/original borrower had filed an application under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'The Act'), but since there is delay of 3120 days he had filed an application for condonation of delay u/s.5 of the Limited Act, 1963.

2. During the pendency of this application, a notice to take possession of mortgaged plot situated in Survey No.8/3, in Nazul sheet No.3, plot No.15, at mauje Gram Panchayat Wadgaon Road, Tq. & Dist. Yavatmal was issued by Recovery Officer to the applicant on 29/04/2026. Thereafter the applicant on 02/06/2026 took the matter

on board. Accordingly, the notice was issued to the counsel for non-applicant No.1. They appeared on 03/06/2026. Thereafter with the consent of both the parties, matter heard finally in summer vacation alongwith the application at Exh.15 filed by applicant to stay the notice dated 29/04/2026.

3. As per the applicant an award was passed against him on 22/02/2016 for amount of Rs.35,09,035/- alongwith interest at the rate of 18% per annum from 01/10/2015 till the realization of entire amount with costs of Rs.44,763/-. It is further alleged that the applicant did not receive the copy of award and he applied it on 10/07/2025 and he received it on 14/07/2025. Due to this, applicant could not file this application within limitation. Applicant contended that he did not receive notice of initiation of arbitral proceedings and at the relevant time he was not residing at Yavatmal. All the communications were to addressed to Yavatmal. He was not aware about the proceedings and that the award was passed against him, hence the delay occurred. It was lastly argued that a notice to take possession of his mortgaged plot was received and he would suffer irreparable loss, if possession is taken and hence prayed to allow the application and also prayed that the recovery proceedings be stayed by allowing his application at Exh.15.

4. Non-applicant No.1 appeared and submitted that as per Section 34(3) of 'The Act', the application for setting aside and award has to be preferred within 90 days and as per this provision, the Court is empowered to condone the delay of 30 days if sufficient cause is shown. It was further submitted that in this case the delay is of 3120 days which is more than the prescribed period and the application is barred by law of limitation. It was further contended that the applicant was residing at Yavatmal and he relied upon the acknowledgment of service of notice and the application given by the applicant alongwith deposit of Rs.50,000/- and deposited a cheque of Rs.2,00,000/-. It was further argued that sufficient cause is not shown, the impugned application was filed intentionally to delay the proceeding and thus, it was prayed to reject the application.
5. Heard learned counsel Shri. Nikhil B. Sayare for the applicant and learned counsel Shri. A. M. Mangtani for non-applicant No.1. Perused the material on record.
6. Learned counsel for the applicant relied on following case-laws.
 - 1) **Shaikh Ibrahim Janmohammad Vs. Tekchand Alias Ravindra Fakirchand** decided on 23 October, 1986.
 - 2) **Dakshin Haryana Bijli Vitran Nigam Ltd Vs. M/s. Navigant**

Technologies Pvt. Ltd, decided on 2 March, 2021 (S.C.)

3) Union of India Vs. Tecco Trichy Engineers & Contractors, decided on 16 March, 2005 (S.C.)

The court had perused the cited judgments. The facts and circumstances of the cited case-laws with due respect are not applicable to the case in hand as the facts are different.

7. Upon considering the hearing, it is not disputed that applicant had borrowed Rs.25,00,000/- from non-applicant No.1 Credit Co-operative Society and he had mortgaged gold and one plot, situated in Survey No.8/3, in Nazul sheet No.3, plot No.15, at mauje Gram Panchayat Wadgaon Road, Tq. & Dist. Yavatmal. It is also not disputed that the arbitration proceeding was initiated in 2015 against the applicant and finally the award was passed against the applicant on 22/10/2016.

8. It is also on record that applicant had given a letter to non-applicant Bank on 10/12/2023, requesting bank documents and account statement and order copy of award passed on 22/10/2016. Another application was given on 11/10/2024 and finally the notice was given by the applicant on 14/06/2025. Letter was also addressed to Arbitrator by the applicant on 10/07/2025 and 15/07/2025.

9. Non-applicant no.1 had filed the notice issued by Arbitrator to the applicant on 31/10/2015 alongwith the postal acknowledgment. As per non-applicant No.1, this is the same address which was furnished by the applicant in his loan application. Non-applicant had also relied upon a letter addressed by the applicant to them, whereby he had deposited Rs.50,000/- alongwith the cheque of Rs.2,00,000/- drawn on Bank of Baroda.
10. The applicant had come with the case that they did not give an opportunity to present in their case and exparte award was passed against them. The second ground taken that they did not receive the award, hence they requested to non-applicant No.2 on 10/07/2025 to provide the copy of award and they were provided the copy of award on 14/07/2025 and thereafter the application for condonation of delay was filed on 06/08/2025 and due to this, the delay of 3120 days was occurred in filing an application for setting side the award.
11. In this backdrop and the documents filed by the applicant himself suggest that applicant gave a letter addressed to learned Arbitrator on 10/12/2023. It is very clear and suggest that the applicant was aware regarding the award passed on 22/10/2016. The letter dated 11/10/2024 also point out towards this fact. Not only this, on

10/12/2023, applicant had deposited cash of Rs.50,000/- with the non-applicant No.1 Bank alongwith a cheque of Rs.2,00,000/-, these documents suggest that long before applying for copy of award, the applicant was well aware regarding the award passed against him by the learned Arbitrator on 22/10/2016. thus it cannot be believed that applicant was not aware about the award passed against him on 22/10/2016.

12. Another ground raised by the applicant was that he did not get an opportunity to present his case before the learned Arbitrator as at the relevant time he was residing at Pune and learned counsel for applicant relied upon the letter dated 05/01/2016, wherein he had requested the non-applicant No.1 Credit Co-operative Society to address all his communications to Pune. The notice regarding initiation of arbitral proceedings was sent by arbitrator on 31/10/2015 to applicant. This applicant had given his letter to non-applicant no.1 on 05/01/2016 i.e after the notice issued by arbitrator. The postal acknowledgment filed by the Arbitrator shows that the notice was received to the non-applicant and also alongwith written envelop with endorsement, "does not resides at address". The documents filed on record shows notice was also served to both the guarantors.

13. As per Section 34(3) of 'The Act', any application to set aside and award has to be filed within three months from the receipt of award. This Court is empowered to condone the delay of 30 days, thereafter if sufficient cause is shown and not thereafter. The documents filed on record by the non-applicant Bank alongwith the acknowledgment receipt shows that the notice of initiation of arbitration proceeding was served upon the applicant. Even if, it considered that the applicant was residing at Pune, the letters given by him on 10/12/2023 alongwith deposit of amount on 11/10/2024 shows that the applicant prior to making an application for supplying the copy of the arbitral award was aware regarding the award passed against him.

14. Thus there is inordinate delay in filing this application. Also the provisions of Limitation Act, 1963 are not applicable to the matters filed under 'The Act'. Limitation for filing an application under Section 34 of 'The Act' is specifically mentioned alongwith the period to condone the delay and admittedly, the Court is not empowered to condone any delay which is beyond 30 days as per the 'The Act'. Hence, considering the inordinate delay in filing an application and for the reasons stated aforesaid, the delay cannot be condoned, and accordingly, I pass the following order.

Order

1. The Civil M. A. No.188/2025 is dismissed.
2. All pending applications are disposed of.

Date- 04/06/2026

(Anand L. Yawalkar)
Principal District Judge,
Yavatmal

Certificate

I affirm that the contents of this P. D. F. Order/
Judgment are same word to word, as per the original
Order/judgment.

Name of Stenographer :- M. A. Bomble
Stenographer Grade I.
Court name :- Principal District & Sessions Court,
Yavatmal.
Date :- 04/06/2026
Judgment signed by
Presiding officer on :- 04/06/2026
Judgment uploaded on :- 04/06/2026

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