



\$~72

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

+ **FAO 187/2025**

RANKERS E TECHNO SCHOOL

.....Appellant

Through: Mr. Hashmat Nabi, Mr. Toshif
Ahmed, Mr. Farah Naaz, Advocates.

versus

MS EDU SMART SERVICE PVT LTD & ANR.

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **18.07.2025**

CM APPL. 42234/2025(exemption)

Exemption allowed, subject to all just exception.

CM APPL. 42236/2025(condonation of delay)

For the reasons stated in the application, the delay is condoned.

Application stands disposed of.

FAO 187/2025 & CM APPL. 42235/2025

1. It happens to be an appeal under Section 37 of Arbitration and Conciliation Act, 1996 and the appellant has taken exception to order dated 01.03.2025, whereby his petition filed under Section 34 of Arbitration and Conciliation Act, 1996 has been dismissed on the ground that it had been filed beyond the period of limitation.
2. The contention coming from the side of appellant is two-fold.
3. Firstly, the petition remained pending before the learned District Judge for around seven years and notice was also issued with respect to the main petition but the Arbitral Record was never summoned.
4. Secondly, the Award in question is *ex-parte* in nature and, according to



appellant, he never received any notice with respect to invocation of arbitral proceedings or for that matter, any notice from learned Sole Arbitrator.

5. He also submits that time would start to run only if the Award is duly sent by the learned Arbitral Tribunal and is duly received by the party concerned and in the case in hand, there is no proof to the abovesaid effect and the appellant learnt about the Award only when bailiff visited his premises, pursuant to filing of some Execution.

6. Issue notice through all permissible modes as also through counsel, returnable on 02.12.2025.

7. Learned Trial Court is also requested to collect the Arbitral Record from the learned Sole Arbitral Tribunal and to send the digitized copy of such record to this Court by next date of hearing.

MANOJ JAIN, J

JULY 18, 2025/sw/JS