



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ARBITRATION APPEAL NO.127 OF 2025

Mahadev Tukaram Ghule,
Age-40 years, Occu-Agri./Business,
R/o. Ghulewadi, Sautada,
Dist. Patoda, Dist. Beed

...APPELLANT

VERSUS

1. M/s. Shriram City Union Finance Ltd./
R/o. 202/203, Monarch Plaza, 2nd Floor,
Sector-11, CBD Belapur, Navi Mumbai-400 614
2. Shriram Mahendrakumar N. Jani,
213, Monarch Plaza, Sector-11
CBD Belapur, Navi Mumbai 400 614
3. Sanap Sudhakar Karbhari (G)
Age-Major, Occu-Farmer,
R/o. Ghulewadi, Tq. Patoda,
Dist. Beed

...RESPONDENTS

Mr. N. B. Garje, Advocate for the Appellant
Mr. Sartaj Pathan, Advocate h/f Mr. V. Y. Bide, Advocate for the
Respondent No. 1

CORAM : ABHAY J. MANTRI, J.

DATE : 21st JULY, 2026

JUDGMENT:

1. Heard the learned Advocate for the parties.
2. **Rule.** Rule made returnable forthwith. With the consent of the parties, the matter is taken up for final hearing at the stage of admission.

3. The Appellant assailed the judgment and order dated 13-10-2025 passed by the learned Principal District Judge, Beed in Civil Misc. Application No. 221/2016, whereby the learned Judge dismissed the Application filed by the Appellant.

4. At the outset, it appears that the learned Judge has dismissed the Application filed by the Appellant challenging the Award passed by the Arbitrator on the ground that the same is barred by limitation. Aggrieved by the same, the Appellant has preferred this Appeal.

5. Learned Advocate for the Appellant during the argument tried to point out para 6 and 22 of the Application filed before the learned District Judge and submitted that the Appellant did not receive the signed copy of the Award. Therefore, it cannot be said that the Application filed by him is barred by limitation.

6. To buttress his submission, he has placed reliance on the judgment in *D. S. Textile and IIFL Finance Ltd [Arbitration Petition (L) No. 12097/2026 with connected matters]* and submitted that in view of the law laid down in the said judgment unilateral appointment of the Arbitrator is contrary to the law laid by this Court and however the learned District Judge has not considered the same. Therefore, he urged for setting aside the impugned order.

7. Learned Advocate for the Respondent submitted that the impugned judgment and order passed by the learned District Judge is just and proper and no interference is required.

8. To buttress his submission, he has relied upon the judgments in (i) *My Preferred Transformation & Hospitality Pvt. Ltd. and Anr Vs M/s. Faridabad Implements Pvt. Ltd [Civil Appeal No. 336of 2025]* & (ii) *P. Radha Bai and Ors Vs P. Ashok Kumar and Anr. reported in AIR Online 2018 SC 255.*

9. Having heard the learned Advocates for the parties and gone through the record, the following point arises for determination:

i] Whether interference is required in the impugned judgment and award.

10. On perusal of the Application filed before the learned Principal District Judge, more particularly, para 6 and 22 of the Application, it reveals that the Appellant himself admitted that he has received the copy of the Award on 09-07-2015. I would like to reproduce the said para 22 as under:

“22. That thereafter the Appellant had received the award of the sole Arbitrator on 09-07-2015; therefore, the Appellant had been to the office of Respondent No. 1 and enquired about the same, but the person from the office told him not to worry about it.”

11. Bare perusal of the above paragraph reveals that the Appellant received a copy of the award on 09-07-2015. However, he

did not file an application within 120 days from the date of receipt of said Award as mandated in Section 34(3) of the Arbitration and Conciliation Act, 1996 (for short, '*the Act*'). But he has filed the Application on 18-11-2016, i.e. beyond the period of one year.

12. The Hon'ble Apex Court in *My Preferred Transformation & Hospitality Pvt. Ltd. and Anr. and P. Radha Bai (Supra)* has categorically held that no Application shall be considered beyond the period of 120 days from the date of receipt of Award.

13. In view of the same, it seems that the Application was not filed within a period of 120 days but the same was beyond the period of one year. As such, the Application is barred by the limitation as mandated in Section 34(3) of the Act and the law laid down by the Hon'ble Apex Court in *My Preferred Transformation & Hospitality Pvt. Ltd. and Anr. and P. Radha Bai (Supra)*.

14. Learned District Judge in para 7 has dealt with the same and held that the Application is barred by limitation and as such I do not find any illegality and perversity in the impugned judgment and award.

15. Next question which he has raised is that the Arbitrator was unilaterally appointed; therefore, the said appointment of the Arbitrator is contrary to the law laid down by this Court in *D. S. Textile (supra)*. However, he has not produced a copy of the Arbitration agreement

before the Court in support of his contention. Apart from that, he has not moved the Application within the time prescribed, raising the said ground. Therefore, it would be appropriate to consider his submission in the Appeal. Had he filed the Application before the learned District Judge within time, then only he could have raised the said ground in his application. But, on account of the non-filing of the Application in time by the Appellant, I do not find substance in his contention. Moreover, the facts in the said case and the case at hand are distinct. Therefore, the law laid down in D. S. Textile (supra) is of hardly any assistance to him in support of his submission. Hence, *I answered point No. (i) in the negative.*

16. As a result, *the Appeal being bereft of merits stands dismissed.* Rule is discharged. No order as to costs.

17. Inform the concerned Court accordingly.

18. Needless to clarify that, as per the submission of the learned Advocate for the Appellant, he has deposited the entire loan amount along with interest thereon with the Respondent No. 1- Finance Company. In those circumstances, the executing Court shall consider the said facts while dealing with the execution proceeding.

[ABHAY J. MANTRI, J.]