

of the petitioner, the management of M/s Aina Exports Pvt. Ltd. after closing the said company has formed another company namely M/s Aaina Fashions Pvt. Ltd., which is operating from Gurgaon, Haryana- 122016. Now, directions are sought to execute the award in question against the newly formed company M/s Aaina Fashions Pvt. Ltd.

4. This request for execution of the award against M/s Aaina Fashions Pvt. Ltd., cannot be granted. The award was obtained by the petitioner against the company M/s Aina Exports Pvt. Ltd. The company is a juristic person in law. The award can be executed only against the person against whom the said award was passed. It may be the case of the petitioner/award holder that M/s Aaina Fashions Pvt. Ltd. is a camouflage and, in fact, the company against whom the award was passed and the newly formed company M/s Aaina Fashions Pvt. Ltd. are not distinct entities but, for that purpose, the petitioner has to seek declaration in appropriate proceedings. Unless M/s Aaina Fashions Pvt. Ltd. (newly formed company) is declared to be the same entity owned by the same management of the earlier company M/s Aina Exports Pvt. Ltd., the award cannot be executed against a newly formed company. Each company, on its incorporation, becomes a separate legal entity. The petitioner, under the circumstances, may take appropriate steps as may be available to him in law for execution of the industrial award in his favour.

5. In view of what has been stated above, the prayer made in this writ petition cannot be granted. This writ petition is, therefore, dismissed reserving liberty for the petitioner to take such steps for execution of the industrial award in his favour as may be available to him in law.

OCTOBER 21, 2009
'BSR'

S.N.AGGARWAL, J