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

+ **EX.P. No.337 of 2012**

AMBIENCE DEVELOPERS & INFRASTRUCTURE PVT. LTD.

..... Decree Holder

Through: Mr. Sumit Gehlawat & Mr. T.S.
Thakran, Advocates.

Versus

JIP FASHION & RESTAURANT INDIA PVT. LTD.

..... Judgment Debtor

Through: None

AND

EX.P. No.338 of 2012

AMBIENCE DEVELOPERS & INFRASTRUCTURE PVT. LTD.

..... Decree Holder

Through: Mr. Sumit Gehlawat & Mr. T.S.
Thakran, Advocates.

Versus

JIP FASHION & RESTAURANT INDIA PVT. LTD.

..... Judgment Debtor

Through: None

CORAM: JUSTICE S. MURALIDHAR

ORDER

12.10.2012

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1. These execution petitions have been filed by the Decree Holder ('DH') seeking execution of two arbitral awards, both dated 10th November 2011 and the clarification dated 4th January 2012 respectively.

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2. The Judgment Debtor ('JD') is located in Mumbai and the properties against which the enforcement is sought are also located in Mumbai.
3. The DH should, on the basis of the impugned Awards which under the Arbitration & Conciliation Act, 1996 ('Act'), are executable as decrees, approach the competent court in whose jurisdiction the properties of the JD are located, for the purposes of execution of the Awards.
4. This Court has, in *Daelim Industrial Co. Limited v. Numaligarh Refinery Limited* (2009) 3 Arb LR 524 (Del), *M/s Religare Finvest Limited v. Ranjit Singh Chouhan* [decision dated 28th February 2012 in Ex.P. No.67 of 2012] and the Madras High Court has in *Kotak Mahindra Bank Limited v. Sivakama Sundari S. Narayana S.B. Murthy* (2011) 6 CTC 11 held that there is no question of the Court transmitting either the Awards or the execution proceedings under the Act to the concerned Court. It will be open to the DH to approach the competent court for execution of the Awards in accordance with law.
5. Petitions are disposed of in the above terms.

S. MURALIDHAR, J.

OCTOBER 12, 2012

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