

Court No. - 9

Case :- MATTERS UNDER ARTICLE 227 No. - 5840 of 2023

Petitioner :- M/S The Geara International

Respondent :- M/S Vishal Trading Company

Counsel for Petitioner :- Gaurav Srivastav, Girish Kumar Gupta

Counsel for Respondent :- Puneet Arun

Hon'ble Rohit Ranjan Agarwal, J.

Heard learned counsel for the petitioner and Sri Puneet Arun, learned counsel for the respondent.

This writ petition has been preferred assailing the order dated 23.02.2017 passed by U.P. State Micro and Small Enterprises Facilitation Council as well as the order dated 18.04.2023 and 26.04.2023/06.05.2023 passed by Commercial Court, Court No. 1, Agra in Execution Case No. 227 of 2017.

Learned counsel for the petitioner submitted that against the award, the petitioner could not file objections under Section 34. However, he had filed objections in execution proceeding which has been rejected.

Learned counsel for the respondent has vehemently opposed the writ petition and submitted that the petitioner had participated in the arbitral proceedings and had filed his written statement before the Arbitrator. The award was made in the year 2017 which was well within the knowledge of the petitioner and execution proceedings were subsequently launched.

As no objection under Section 34 was filed by petitioner, this Court after hearing counsel for the parties and perusing the material on record finds that no case for interference is made out as the executing court had rejected objections of petitioner which need no interference of this Court.

Writ petition is devoid of merits and stands dismissed.

Order Date :- 18.10.2023

V.S.Singh