

**HIGH COURT OF TRIPURA
AGARTALA**

CRP No.60 of 2024

M/s M.P. Khaitan

.....Petitioner(s);

Versus

M/S Engineering Projects (India) Ltd.

.....Respondent(s)

For Petitioner(s) : Mr. Somik Deb, Sr. Advocate,
Mr. Pranabindu Chakraborty, Advocate.

For Respondent(s) : None.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

12/07/2024

Heard Mr. Somik Deb, learned senior counsel for the petitioner. A dispute arose under agreement dated 25.04.2008 entered between the parties. Completion certificate was issued on 21.08.2012. Petitioner invoked arbitration proceedings by moving this Court under Section 11(6) of the Arbitration and Conciliation Act, 1996 as amended. The learned Arbitrator rendered an award in his favour on 21.11.2019 on issues No.1, 2, 3, 7, 8, 10, 11, 12, 16 & 17. The remaining issues were decided against him. The counter claim of the respondent was also rejected. Application under Section 34 of the Act of 1996 by the aggrieved respondent was dismissed on 25.02.2022. The appeal under Section 37 of the said Act was also dismissed on 12.09.2022. Thereafter petitioner filed an application for enforcement of the award under Section 36 of the Act which according to him is being repeatedly adjourned without any reason causing delay in accrual of the fruits of the decree in his favour.

Learned senior counsel for the petitioner has in particular referred to the orders dated 06.02.2024, 04.05.2024 and 30.05.2024. Therefore,

petitioner has approached this Court in its supervisory jurisdiction under Article 227 of the Constitution of India for a direction on the learned Commercial Court, West Tripura, Agartala who is also the LA Judge, Court No.2, West Tripura, Agartala for execution of the decree within a specified time frame. Learned senior counsel for the petitioner has also relied upon the judgment of the Apex Court in the case of ***Rahul S. Shah v. Jinendra Kumar Gandhi and Others*** reported in (2021) 6 SCC 418 laying down guidelines for the Executing Court. It is submitted that the learned Court has been adjourning the matter without recording any reasons.

I have considered the submission of learned senior counsel for the petitioner and taken note of the relevant facts noted hereinabove. It appears that the award has attained finality upto the stage of Section 37 of the Arbitration and Conciliation Act, 1996 as amended and the matter is pending for enforcement under Section 36 of the Act before the learned Executing Court. As is informed, the execution case was instituted on 14.06.2023 and one year time has already elapsed. In such circumstances, this Court deems it proper to remind the learned Executing Court of the mandate under Order XXI of the Civil Procedure Code and the direction passed by the Apex Court in the case of ***Rahul S. Saha*** (supra) whereby the learned Executing Courts are under a duty to execute the decree within a specified period of six months which may be extended beyond six months only by recording reasons in writing. Therefore, the learned Executing Court would endeavour to dispose of the execution within a short time frame in accordance with law.

With the aforesaid observations, the instant revision petition is disposed of. Pending application(s), if any, shall stand disposed of.

(APARESH KUMAR SINGH), CJ



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