



CNR: KAHC010395522022

NC: 2026:KHC:52642
AP.EFA No. 4 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

**ARBITRATION PETITION(ENFORCEMENT OF
FOREIGN ARBITRAL AWARD) NO. 4 OF 2022**

BETWEEN:

BAINBRIDGE NAVIGATION PTE LTD
19-06, TONG ENG BUILDING
101 CECIL STREET,
SINGAPORE-069533
REPRESENTED BY ITS AUTHORIZED SIGNATORY
MR SANTOSH KOLI

...PETITIONER

(BY SRI. IYER BALAJI HARISH &
SRI N. NARASIMHA MURTHY .,ADVOCATE)

AND:

BIGMANS METALS AND ALLOYS PVT LTD
NO.154/1, 8TH CROSS
4TH MAIN ROAD, CHAMRAJPET
BENGALURU-560018
INDIA
REPRESENTED BY ITS AUTHORIZED SIGNATORY

...RESPONDENT

(BY SRI. SANJAY H SETHIYA &
SRI. NISHANTH S. ADVOCATES)

THIS AP-EFA IS FILED UNDER SECTION 47, 48 AND 49 OF THE
ARBITRATION AND CONCILIATION ACT, 1996, PRAYING TO ENFORCE
THE AWARD DATED 08/11/2021 PASSED BY THE SOLE ARBITRATION
IN SCMA REF 2021/04 AND EXECUTE THE AWARD IN THE
EXECUTION PETITION ANNEXED HERewith AND ETC.



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THIS AP-EFA, COMING ON FOR ORDERS, THIS DAY, ORDER
WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs:
 - a. *To enforce the Award dated 08.11.2021 passed by the sole Arbitrator in SCMA REF: 2021/04 and execute the award in the Execution Petition annexed herewith.*
 - b. *Pass a judgement and decree in favour of the petitioner for a sum of USD 95,794.91 and SGD 20,121.08 along with interest, under the Award till payment/realization;*
 - c. *Order costs of USD 20,000 incurred towards this Enforcement Petition; and pass such other orders as this Hon'ble Court may deem fit in the facts and circumstances of this case;*
 - d. *Grant such other and further relief's as it may deem fit and proper having regard to the facts and circumstances of the case.*
2. The present petition has been filed seeking enforcement of the award dated 08.11.2021 passed by the learned Sole Arbitrator in SCMA Ref. No.2021/04.
3. After arguing for some time, both sides submit that the award has not been challenged and has therefore attained finality. Learned counsel for the petitioner

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submits that, in view of the same, the award is liable to be enforced in accordance with law.

4. However, learned counsel for the respondent submits that the Hon'ble High Court of Andhra Pradesh at Amaravati has already passed an order of attachment in I.Com. A.O.A. No.9/2022, whereby 3,000 metric tonnes of iron ore fines belonging to the respondent and lying at Visakhapatnam have been attached. He submits that the value of the attached iron ore fines is more than sufficient to satisfy the liability payable under the award.
5. Learned counsel for the respondent further submits that the said iron ore fines have remained under attachment at Visakhapatnam for the last three years. According to him, if the attached iron ore fines are brought to sale in accordance with law, the sale proceeds would be sufficient to satisfy the amount payable to the petitioner under the award.
6. Learned counsel for the petitioner, on instructions, submits that the petitioner has no objection to the amount due under the award being realised from the sale of the aforesaid attached iron ore fines.
7. In view of the submissions made by both sides, it is not in dispute that the award dated 08.11.2021 has not been challenged and that the liability arising therefrom remains outstanding. At the same time, the respondent has



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brought to the notice of this Court that 3,000 metric tonnes of its iron ore fines are already under attachment pursuant to the order passed by the Hon'ble High Court of Andhra Pradesh at Amaravati in I.Com. A.O.A. No.9/2022. The respondent has no objection to the award liability being satisfied from the sale of the said attached property.

8. In the circumstances, it would be appropriate to permit the Petitioner to take necessary steps before the competent Court in respect of the attached iron ore fines and seek their sale in accordance with law. The sale proceeds, to the extent necessary, may thereafter be utilised towards satisfaction of the amount payable to the petitioner under the award.
9. The submission of learned counsel for the respondent that the attached iron ore fines are sufficient to satisfy the award liability is placed on record. The consent/no-objection expressed by learned counsel for the petitioner to the aforesaid course of action is also placed on record.
10. It is made clear that the petitioner shall be entitled to take appropriate steps for enforcement of the award in accordance with law if the amount due under the award is not satisfied from the sale proceeds of the attached iron ore fines within a reasonable period or if the proposed

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course of action does not result in satisfaction of the award.

11. In that view of the matter this court passes the following:

ORDER

- (i) The petition is allowed.
- (ii) The award dated 08.11.2021 passed by the learned Sole Arbitrator in SCMA Ref. No.2021/04 is treated as a decree enforceable in India.
- (iii) In pursuance of the above, the parties are at liberty to approach the Hon'ble High Court of Andhra Pradesh at Amaravati in SCMA Ref. No.2021/04 and seek appropriate orders for sale by auction of the property already attached in the said proceedings under Section 9 of the Arbitration and Conciliation Act, 1996.
- (iv) Upon such sale, the petitioner shall be entitled to appropriate the sale proceeds towards the amount due under the award sought to be enforced in the present proceedings, namely, USD 95,000/- and SGD 20,121.08, together with interest at the rate of 2% per annum on the sum of USD 95,000/- from 18.03.2021 until payment.

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- (v) The Registry is directed to draw up the decree in terms of the above order. Upon drawing up the decree, the Registry shall transmit the decree to the Hon'ble High Court of Andhra Pradesh at Amaravati, where Execution Proceedings No.1/2024 are stated to be pending.
- (vi) The parties shall bear their own costs.

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(SURAJ GOVINDARAJ)
JUDGE

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List No.: 3 Sl No.: 8