

Party Name : NARAYAN SAHA Vs M/S INDUSIND BANK LTD

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HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

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By means of this petition, the petitioner has challenged the order dated 07.01.2015 whereby the application filed by the judgment debtor has been rejected.

The main ground raised by the petitioner is that the award passed against him is without jurisdiction. The learned executing Court has held that this objection had been decided by him vide order dated 31.7.2013. I have perused the order dated 31.7.2013 and find that this objection of the petitioner was rejected. No petition was filed against the said order.

Furthermore, I am of the considered view that if the petitioner is aggrieved by the award passed by the arbitrator sitting in Chennai then his remedy lies in filing objection to the award under Section 34 of the Arbitration and Conciliation Act, 1996 before the appropriate forum in Chennai. The time for filing such objection is long past. In execution proceedings the petitioner cannot challenge the validity of the award itself.

Therefore, I find no merit in the petition which is accordingly dismissed.