

JSN

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
EXECUTION APPLICATION NO. 860 OF 2013
WITH
NOTICE NO. 18 OF 2014
IN
AWARD DATED 25TH FEBRUARY 2013**

Dragon Treasure Shipping Ltd

...Claimant /
Decree Holder

Versus

Ashok Alco-Chem Ltd

...Respondent /
Judgment
Debtor

**Mr CD More, i/b Singhania & Partners for the Petitioner.
Mr Rishabh Seth, i/b MS Bodhanwalla & Co for the Respondent.**

**CORAM: G.S. PATEL, J
DATED: 20th February 2017**

PC:-

1. This Execution Application is misconceived. The award in question, dated 25th February 2013, was a foreign award under New York convention. It would, therefore, necessarily be governed by Chapter I of Part II of the Arbitration and Conciliation Act 1996, and, specifically, Sections 47 to 49. The award holder seems to have moved instead directly under Section 36 of Part I and filed this

Execution Application on that basis. Clearly the Execution Application in its present form is not maintainable. It will have to be dismissed, and it is.

2. Liberty however to the award holder to make an application under Chapter I Part II, if permissible in law, and keeping all rights and contentions of both sides open.

(G. S. PATEL, J.)