

\$~21

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **OMP (ENF.) (COMM.) 134/2016 & IA No. 13344/2016**

SANJHI EXIM PVT. LTD. Petitioner

Through: Mr. Rajat Arora, Mr. Hemant Utpal
And Mr. Jagpreet Singh, Advocate

versus

NEXT GENERATION CABLE COMMUNICATION..... Respondent

Through: Mr. Rahul Kumar with Mr. Saurabh
Shandilya, Advocate

CORAM: JUSTICE S. MURALIDHAR

ORDER

% **17.01.2017**

1. Learned counsel for the Petitioner explains that although the property of the Respondent in respect of which enforcement of the Award is sought is located in Pune, the Court needs to clarify that the Petitioner can approach the concerned Court in Pune for enforcement. He states that the Court in Pune insisted on a transfer certificate being issued. He is, however, not able to point out any order passed by the Court of Pune to that effect.

2. Be that as it may, this Court has in *The State Trading Corporation of India Ltd. v. Global Steel Holdings Limited & Ors.* 2015 (149) DRJ 289 and *Daelim Industrial Co. Ltd. v. Numaligarh Refinery Ltd.* 2009 (3) Arb. L.R. 524 (Del.) clarified the position that under the Arbitration & Conciliation Act, 1996, the Award itself is a decree and does not have to be transferred to the concerned Court. In terms of Section 36 of the Act, the

Award can straightaway be enforced before the concerned executing Court.

3. In that view of the matter, it is clarified that it would be open to the Petitioner to approach the concerned Court in Pune for enforcement of the Award without any transfer certificate.

S. MURALIDHAR, J

JANUARY 17, 2017

P