

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 908 of 2018**

1. Vijay Kumar Bhargav, son of Shri Khedu Ram Bhargav, aged about 35 years, R/o. 718 Seepat, Bilaspur, District Bilaspur (C.G.)
2. Sushil Kumar Suryavanshi, son of Shri Babulal Suryavanshi, aged about 40 years, R/o. Juna Bilaspur, Krishna Nagar, Bilaspur, District Bilaspur (C.G.)

----Petitioners/judgment debtors**Versus**

M/s Indiabullas Financial Services Limited, F-60, 2nd Floor, Malhotra Building,
Connaught Place, New Delhi

---- Respondent/Decree holder

For Petitioners	: Shri Rajeev Kumar Dubey, Advocate.
For Respondent	: Shri Ashish Surana, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****25/10/2018**

- (1) The petitioners, who are judgment debtors in the arbitral award, have raised an objection before the competent Executing Court i.e. District Judge, Bilaspur that the award is contrary to law as the certified copy of award under Section 31(5) of the Arbitration & Conciliation Act, 1996 (henceforth 'Act, 1996') has not been served to them, which has been rejected by the Executing Court finding no merit, against which instant writ petition has been filed questioning the same.
- (2) I have heard learned counsel appearing for the parties.
- (3) The main objection raised by the petitioners is that award is nullity and it cannot be executed. In a proceeding for execution filed under Section 36 of the Act, 1996, validity of award cannot be considered, therefore, the Executing Court is absolutely justified in rejecting the objection raised by the petitioners. Thus, I do not find any illegality in the order impugned warranting interference by this Court under Article 227 of the Constitution of India.
- (4) Accordingly, the writ petition fails and is hereby dismissed.
- (5) Certified copy of the impugned order be sent to the Executing Court to do the needful.

Sd/-
(Sanjay K. Agrawal)
Judge

