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

+ OMP (ENF.) (COMM.) 21/2018

OK PLAY INDIA LTD.

.... Petitioner

Through Mr. Anirudh Wadhwa, Mr.Sushant Mahajan, Mr. Harish Choudhary and Mr.Bhargav, Advs.

versus

BIBBY FINANCIAL SERVICES INDIA PVT. LTD..... Respondent

Through Ms. Anjali Sharma, Mr.Deepak Bashta and Mr.Manish Lamba, Advs.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **02.02.2018**

IA No. 1602/2018 (exemption)

Allowed subject to all just exceptions.

OMP (ENF.) (COMM.) 21/2018 and IA Nos. 1600-1602/2018

1. This execution petition is filed under Section 36 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the Act) for execution of the Award dated 14.07.2017 and the Additional Award dated 28.09.2017.
2. Learned counsel for the judgment debtor states that the objections under Section 34 of the Act have already been filed before the District Court Saket and notice has been issued to the decree holder and also has been accepted by the decree holder in court. Hence, she submits that the Award cannot be executed as on date.

3. Learned counsel appearing for the decree holder refutes the contention of the learned counsel for the judgment debtor stating that in view of Section 42 of the Act, the court at Saket would not have the jurisdiction to adjudicate the objections inasmuch as the judgment debtor had filed a petition under Section 14 of the Act prior to filing of the objections before this Court. He further submits that the execution was filed before the petitioner had knowledge of filing of the objections.
4. The admitted fact is that the Award has been passed under the Un-amended Act and in view of the fact that the objections have been filed, Award cannot be executed at this stage.
5. Regarding the plea raised by the decree holder about the jurisdiction of the Saket Court, that is an issue which the decree holder would have to urge before the concerned District Court, Saket.
6. In view of the above, the present petition does not lie at this stage. The same is dismissed with liberty to the petitioner to file a fresh execution petition after disposal of the objections.
7. Pending applications also stand dismissed.

JAYANT NATH, J

FEBRUARY 02, 2018

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