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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ EX.F.A. 3/2018, C.M. 5826/2018
B S SANGWAN

..... Appellant

Through: Mr. S.W. Haider, Advocate.

Versus

UNION OF INDIA

..... Respondent

Through: Mr. Jagjit Singh, Advocate for Mr. Preet Singh, Sr. Standing Counsel.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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05.04.2018

This appeal impugns an Award dated 2nd August, 2017 which declined to process the appellant's application for execution of the arbitral Award in Delhi and instead issued a Transfer Certificate under Order XXI Rule 6 CPC, on the ground that the Judgment Debtor had its office at Firozpur in Punjab.

The learned counsel for the appellant submits that in view of the dicta of the Supreme Court in *Sundaram Finance Limited vs. Abdul Samad & Another*, 2018 SCC OnLine SC 121 the petition for execution of the Award would be maintainable in Delhi since the respondent has its offices and assets in Delhi. The aforesaid judgment *inter alia* held:

"....enforcement of an award through its execution can be filed anywhere in the country where such decree can be executed and there is no requirement for obtaining a transfer of the decree from the Court, which

would have jurisdiction over the arbitral proceedings.”

Since, the respondent has its offices and assets in Delhi, the Award is enforceable in Delhi and hence the impugned order is set aside.

The case is remanded back to the executing Court for further proceedings.

The parties shall appear before the executing Court on 27.04.2018.

NAJMI WAZIRI, J

APRIL 05, 2018/acm