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

+ OMP (ENF.) (COMM.) 155/2017

AIRPORTS AUTHORITY OF INDIA

..... Petitioner

Through: Mr K. K. Rai, Sr. Advocate with Mr
Digvijay Rai, Mr Anshul Rai and Mr
Pulkit Tyagi, Advocates.

versus

M/S P.K. HOSPITALITY SERVICES PVT. LTD. Respondent

Through: Mr Sandeep Bajaj, Mr Soayib
Qureshi and Mr Naman Tandon,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **15.05.2018**

1. The petitioner has filed the present petition under Section 36 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act') seeking for enforcement of an arbitral award dated 02.02.2012. The petitioner prays for attachment of the property described as the "*entire office premises consisting of computers, tables, chairs, air conditioners and all accessories*" of the respondent at Garuda House, 142, Upper Govindnagar, Malad (East), Mumbai- 400 097 and 662/38, Kanyakumari, Sri MV Marg, Andheri (East), Mumbai – 110069. In addition, the petitioner also seeks attachment of the bank account of the respondent (Bank Account No. 3731009304760414) maintained with the Branch of Punjab National Bank located at Darishan Street, Mandvi, Mumbai-400 003.

2. It is seen that neither the judgment debtor nor the properties against which the petitioner seeks enforcement of the arbitral award are located within the jurisdiction of this Court. In view of the decision of the Supreme Court in ***Sundaram Finance Limited v. Abdul Samad and Anr.:* (2018) 3 SCC 622**, the award has to be enforced where such a decree can be executed without obtaining a transfer of the same from any Court. This was also the view expressed by this Court in ***Daelim Industrial Co. Ltd. vs Numaligarh Refinery Ltd., 2009(159) DLT 579***.

3. In this view, the present petition is disposed of with liberty for the petitioner to approach the concerned Court where the judgment debtor and/or its properties are situated. In the meanwhile, the respondent shall not transfer, sell, encumber or in any manner alienate its immovable property. This order shall be operative for a period of 60 days from today.

VIBHU BAKHRU, J

MAY 15, 2018
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