

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 571 of 2019

- Jagdish Prashad Agrawal S/o Late Ambulala Agrawal Aged About 63 Years R/o House No. 04 Bajrang Chowk, Bazar Para Shubhash Ward, P.O.Nera, Tahsil Nera, P.S. Tilda, Raipur Civil And Revenue District- Raipur, Chhattisgarh.....(Bazrang Para Ward Is Also Known As Shubhash Ward)....., District : Raipur, Chhattisgarh

---- Petitioner

Versus

1. Magma Fincorp Limited Company Registered Under Companies, Regional Office, Maruti Business Park, G.E. Road, Ama Para, Raipur, Chhattisgarh, Through Legal Officer and Attorney Jayant Chateriji, Raipur, Chhattisgarh.
2. Jagjit Singh Bhatiya, S/o Pratap Singh Bhatia H.No. 128, Bus Stand, Kharora, District- Raipur, Chhattisgarh.
3. Ramesh Sharma, S/o Gulab Chand Sharma Purani Basti, Near Tilda Railway Station, P.O. Nevra, Tahsil Nevra, Civil And Revenue District- Raipur, Chhattisgarh.

---- Respondents

For petitioner	:	Mr. Mukesh Sharma, Advocate.
For respondent No.1	:	Mr. Himanshu Pandey on behalf of Mr. B. Gopa Kumar, Advocate.
For respondents No.2 & 3	:	Mr. Prasoon Agrawal on behalf of Mr. Palash Tiwari, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

11/02/2020

Heard.

1. This petition has been brought being aggrieved by the order dated 4.6.2019 (Annexure P-1) passed by the learned 1st Additional District Judge, Raipur in Execution Case No.193/2012.
2. It is submitted by the counsel for petitioner that firstly it was the notice

of the petitioner that Mr. Partha Sarathi Ghosh was appointed as Arbitrator on 5.6.2009, however, subsequent to that the award has been passed by Anirudha Mahanta, Advocate on 28.6.2010. Petitioner never had notice regarding appointment of Mr. Anirudha Mahanta as Arbitrator, therefore, he wants to raise this objection before the learned Executing Court. For this reason he does not want to press on this petition and prays for appropriate order.

3. Learned counsel for respondent submits that the petitioner has raised the grounds which were available to him under Section 34 of Arbitration and Conciliation Act, 1996 and the remedies are available under Section 37 of the same Act, therefore, this petition is not maintainable.
4. I have heard both the parties and perused the documents along with petition.
5. On perusal of the impugned order, it is found that the submissions made before this Court regarding objection of the petitioner were not part of the objection which was earlier made by the petitioner before the Executing Court, therefore, the petitioner has liberty to raise such objection before the Executing Court for which there is no requirement of passing any specific order by this Court. However, on the basis of prayer made by the petitioner, this petition is disposed off with liberty to the petitioner to raise the objections, as submitted before this Court, before the learned Executing Court and learned Executing Court is directed to decide the same in accordance with law.
6. Accordingly, the petition is disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge