

HIGH COURT OF CHHATTISGARH, BILASPUR**WP (227) No. 230 of 2021**

1. Gurdeep Singh Bhatia S/o Gurdayal Singh Bhatia, aged about 39 years R/o House no. 2, Ward No. 19, Anupam Nagar, in front of Rest house, Rajnandgaon, Tahsil and District Rajnandgaon (C.G.).
2. Gurdayal Singh Bhatia S/o Harbansh Singh Bhatia, aged 63 years R/o Gali No.1, Ward No.19, Anupam Nagar, Rajnandgaon, Tahsil and District Rajnandgaon (C.G.).

---- Petitioners

Versus

Shriram Transport Finance Company Limited, Through: Competent Officer Santosh Kumar Verma S/o Late Giridh Verma, aged about 35 years, Shriram Transport Finance Company Limited Office at New Bus Stand Complex, G.E. Road, Rajnandgaon, District Rajnandgaon (C.G.).

--Respondents

For Petitioners	:	Mr. Punit Ruparel, Advocate
For Respondent	:	Mr. Vivek Kumar Shrivastava, Adv.

Hon'ble Shri Justice Deepak Kumar Tiwari
Order on Board

15/12/2021

1. The instant writ petition under article 227 of the Constitution of India has been preferred against the proceeding of execution filed by the respondent before the District Judge, Rajnandgaon under Section 36 of the Arbitration and Conciliation Act, 1996 (for short 'the Act') for execution of award dated 14/10/2019 passed by the Arbitrator and Kurki warrant issued against the petitioners, whereas the application under Section 34 of the Act filed by the petitioners is still pending.

2. Counsel for the petitioner submits that the Arbitrator has passed the award dated 14/10/2019 without following the procedure of appointment of Arbitrator and without affording an opportunity of hearing, wherein the interest was also admittedly applied against the settled law of Hon'ble Supreme Court. He further submits that the petitioners have challenged to set-aside the said award and the respondent has filed an execution application in which Kurki warrant has also been issued against the petitioner, so, it is prayed that execution proceeding of the award may be stayed till deciding the pending application under Section 34 of the Act.
3. Counsel for the respondent opposes the submissions made by the counsel for the petitioners.
4. As the petitioner has challenged the impugned award before the District Judge, Rajnandgaon against which the execution proceeding is also pending, so, this Court finds it just and equitable that the execution of award dated 14/10/2019 shall be stayed till the application filed under Section 34 of the Act is decided. It is further directed to decide the application under Section 34 of the Act as early as possible, preferably within 6 months from the date of receipt of copy of this order.
5. Accordingly, the writ petition is disposed of to the extent indicated above.

Sd/-
(Deepak Kumar Tiwari)
Judge