

O.A.No.650 of 2020

P.T. ASHA, J,

It is seen that the above application is filed invoking the provision of Section 9 of the Arbitration and Conciliation Act. From the records, it is seen that originally the Award was passed as early as on 28.05.2014. Thereafter, an application under Section 34 of the Act was filed in O.P.No.591 of 2014 and this Court by order dated 15.02.2018 was pleased to dismiss the petition. As against the said order, Appeals were filed and by order dated 06.08.2018, the learned Judge confirmed the orders passed in O.P.No.591 of 2014. However, the applicant has not filed any application for executing the orders and once again filed this application to invoke the jurisdiction of this Court under Section 9 of the Act.

2. Section 9 of the Arbitration and Conciliation Act provides that before / during the arbitral proceedings / at time after the making of the Arbitral Award but before it is enforced a party may approach this Court seeking interim measures. Section 36 of the Act talks about enforcement and Section 36(1) would read as follows:

“36. Enforcement.—(1) Where the time for making an application to set aside the arbitral award under section 34 has expired, then, subject to the provisions of sub-section (2), such award shall be enforced in accordance with the provisions of the Code of Civil Procedure, 1908 (5 of 1908), in the same manner as if it were a decree of the court.”

3. In the instant case, an Award has been passed and the petition to set aside the Award in O.P.No.591 of 2014 was dismissed. Thereafter, the Appeal against the order in O.P.No.591 of 2017 was also dismissed by order dated 06.08.2018. Therefore, the Award dated 28.05.2014 had become enforceable by 06.08.2018. Therefore, considering the language of Section 9 that once the Award become enforceable, the provisions of Section 9 of the Act seeking interim measures cannot be invoked this application cannot be entertained.

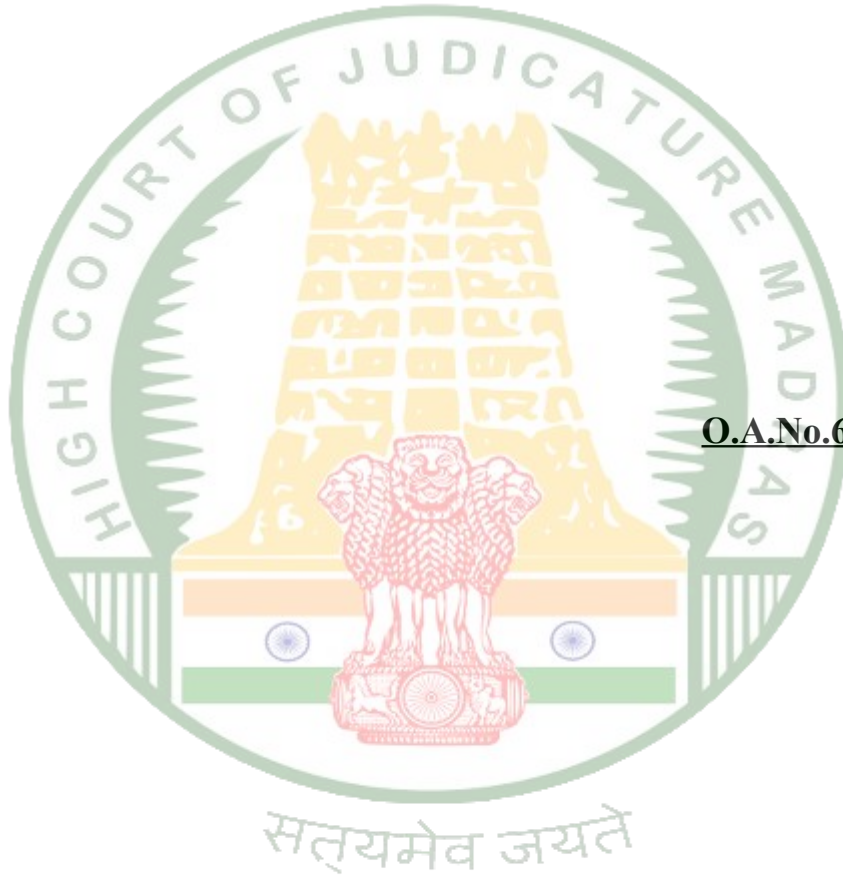
Accordingly, this Original Application is dismissed.

11.03.2021

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