

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

C.R.P. (NPD) No.2234 of 2021

M/s.Bharat Petroleum Corporation Ltd.
No.1, Ranganathan Garden,
Annanagar, Chennai - 600 040. ...

Petitioner /
Decree Holder

versus

M/s.Samalpatti Power Co. Pvt. Ltd.
Sreyas Virat, No.14, First Floor,
Third Cross Road, Raja Annamalaipuram,
Chennai - 600 028. ...

Respondent /
Judgment Debtor

PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the Docket order dated 04.09.2021 in E.P. Filing No.121 of 2021 of the Principal District Court, Krishnagiri and direct the Principal District Court, Krishnagiri, to take E.P. Filing No.121 of 2021 on record and number the same.

For Petitioner : Mr.Shivathanu Mohan
for M/s.S.Ramasubramaniam & Associates

For Respondent : No Appearance

ORDER

This Civil Revision Petition is filed to set aside the docket order dated 04.09.2021 in E.P. Filing No.121 of 2021 on the file of the learned Principal District Judge, Krishnagiri and direct the learned Principal District Judge, Krishnagiri, to take E.P. on its file.

2. The learned counsel for the petitioner submitted that, the petitioner got an arbitration award before the Arbitral Tribunal comprised of Hon'ble Mr.Justice Doraiswamy Raju, Hon'ble Mr.Justice K.P.Sivasubramaniam and Hon'ble Mr.Justice K.Govindarajan. The award was passed on 05.11.2019. When the petitioner filed Execution Petition in E.P. Filing No.121 of 2021 before the learned Principal District Judge, Krishnagiri, for enforcing the award, the petition was returned raising several objections. The petitioner complied with those objections. However, repeated returns have been made stating that, there is no specific case number, is given in the arbitration award. It is the submission of the learned counsel for the petitioner that, there would not be any specific number assigned to an arbitration proceedings, for the reason that the arbitration

proceedings, is an independent proceedings. In the said circumstances, this petition is filed seeking for the aforesaid direction.

3. Considered the submission of the learned counsel for the petitioner and perused the records.

4. The copy of the arbitration award dated 05.11.2019 produced before this Court and the copy of the Execution Petition in E.P. Filing No.121 of 2021, is also produced before this Court. It is seen from the copy of the Execution Petition that, the petition was returned raising several grounds. The petitioner had complied with the returns and represented the Execution Petition. It appears that the repeated returns had been made stating that the arbitration award number, is to be noted. Unlike the Court proceedings, whether the suit register or petition register, are maintained to register the suit / petition with identifiable number, the arbitration proceedings are initiated by the arbitrator appointed for the purpose. The arbitrators are appointed in each and every case and therefore, it is not possible for the arbitrators to maintain the register to enter the

arbitration proceedings and give number. Therefore, the docket order dated 04.09.2021 in E.P. Filing No.121 of 2021, is set aside and the learned Principal District Judge, Krishnagiri, is directed to number the Execution Petition, if it is otherwise in order and proceed with the Execution Petition, on merits and in accordance with law.

5. Accordingly, this Civil Revision petition is allowed. However, there is no order as to costs.

22.10.2021

Speaking order / Non-speaking order
Index : Yes / No

Note : Registry is directed to return the original order copy to the learned counsel for the petitioner.

sri

To

The Principal District Judge,
Krishnagiri.

G.CHANDRASEKHARAN, J.

sri



C.R.P. (NPD) No.2234 of 2021

WEB COPY

22.10.2021