

2023:PHHC:134903

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CR-5700-2023 (O&M)
Date of Decision:-17.10.2023

Quadrant Televentures LimitedPetitioner

Versus

ATC Telecom Infrastructure Private Limited and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Puneet Bali, Senior Advocate with
Ms. Neha Sonawane, Advocate,
Mr. Yashvardhan, Advocate and
Ms. Anjali Sheoran, Advocate
and
Mr. Akshay Bhan, Senior Advocate with
Ms. Amrita Garg, Advocate,
Mr. Sumit Puri, Advocate and
Mr. Harsh Gupta, Advocate for the petitioner.

Mr. Ashok Aggarwal, Senior Advocate with
Mr. Yadwinder Singh, Advocate,
Mr. Vaibhav Gupta, Advocate,
Mr. Nilesh Bhardwaj, Advocate and
Mr. Shrenik Jain, Advocate for the respondent/caveator.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner/judgment debtor assails order dated 2.9.2023 (Annexure P-1) passed by learned Additional District Judge, S.A.S. Nagar, Mohali vide which an application filed by him under Section 151 CPC read with Section 33 of Indian Stamp Act, 1899, praying therein for impounding the Arbitral Award dated 26.5.2019, during the pendency of execution proceedings, has been declined.

2. Learned counsel for the petitioner submitted that the learned Executing Court has not appreciated at all the issues involved in the instant case and that the impugned order is absolutely non-speaking and cryptic order having been passed without assigning any valid reason.
3. Both the learned Senior counsel are *ad-idem* that the matter may be remanded back to the Executing Court so that the same be decided afresh.
4. Having perused the impugned order, this Court indeed finds that no reason has been assigned by the Executing Court while declining the application. So much so, the Court has not even chosen to discuss as to what was amount awarded and what was the rate at which Stamp Duty was leviable. As such, the impugned order dated 2.9.2023 (Annexure P-1) being non-speaking bereft of any reasoning can not sustain and is set aside. The matter is remanded back to the Executing Court with a direction to decide the matter afresh after hearing both the learned counsel and by passing a speaking order.
5. Both the parties are directed to appear before the Executing Court on the date already fixed i.e. 19.10.2023. The Executing Court shall endeavour to dispose off the application expeditiously, preferably within 2 weeks from appearance of parties.
6. The instant petition stands disposed off accordingly.

17.10.2023

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No