

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

EXECUTION APPLICATION NO.40 OF 2024

HDFC BANK LIMITED

)...APPLICANT

V/s.

KRISHNA NARAYAN SUVARNA

)...RESPONDENT

None for the Applicant.

Mr.Ziyad Madon a/w. Ms.Rima Kharat i/by Mr.Sahil Hirani, Advocate
for the Respondent.

CORAM : ABHAY AHUJA, J.

DATE : 17th APRIL 2024

PC. :

1. This matter appears to have been circulated on behalf of the Respondent in the Execution Application. However, when the matter is called out, Mr.Madon, learned Counsel, appearing for the Respondent, candidly submits that no Vakalatnama has been filed on behalf of the Respondent, however, he urges this Court to stay the execution proceedings, submitting that the appointment of the arbitrator, admittedly, is not in accordance with law, and that, in view of the decision of the Hon'ble Supreme Court in the case of *Hindustan Zinc Limited (HZL) vs. Ajmer Vidyut Vitran Nigam Limited*¹, the award is a nullity, and therefore, this Court stay the execution proceedings.

¹ (2019) 17 Supreme Court Cases 82

2. It is observed that none appears for the Applicant nor any application has been made for staying the award on the grounds on the basis of which the award is sought to be stayed or set aside.
3. This Application, therefore, is without any basis and cannot be entertained, as neither any Vakalatnama has been filed on behalf of the Respondent, nor any application is on record.
4. No orders. Remove from board.

(ABHAY AHUJA, J.)

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