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C.R.P.(NPD).No.662 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(NPD).No.662 of 2021
and C.M.P.No.5667 of 2021

Vetrivikas Boys and Girls
Higher Secondary School
Mallur via Rasipuram.

... Petitioner

VS

1.M/s. Edusmart Services (P) Limited.,
Having Registered Office,
L. 74, Mahipalpur Extension,
New Delhi – 110 037.

2.M/s. Educomp Solutions Limited.,
Having is office at
1211, Padma Tower
1-5, Rajendra Place,
New Delhi – 110 008.

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the Fair and Decreetal order dated 20.09.2019 and made in R.E.P. No. 93 of 2017 in A.R.B.JN. No. 949 of 2015 on the file of Additional District Court, Namakkal.

For Petitioner : Mr.R.Magesh
for M/s.C.S.Saravanan



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For Respondents : No Such Person

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ORDER

The Civil Revision Petition is filed challenging the order passed by the Court below allowing the execution petition filed by the respondents in REP.No.93 of 2017.

2. The respondents herein obtained an arbitration award in A.R.B.JN. No. 949 of 2015 on the file of District Judge (Retd.), Patiala House Court, New Delhi on 08.02.2016 against the petitioner for a sum of Rs.10,52,911/- with interest at the rate of 18% per annum. Thereafter, the respondents filed the present execution petition for execution of the arbitration award and recovery of the award amount.

3. After receipt of notice in execution petition, the petitioner herein filed counter stating that they were not served with notice in the main arbitration proceedings. It was also stated by the petitioner that there was no agreement between the petitioner and respondents and hence, the petitioner was not able to pay any amount to the respondents for the supply of goods.



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4. The objection raised by the petitioner are all on the merits of the dispute in arbitration proceedings. If the petitioner is not served with proper notice in arbitral proceedings and if they are aggrieved by the award passed by the Sole Arbitrator, it is for them to challenge the same in the manner known to law by filing appropriate petition under Section 34 of the Arbitration Act. Instead of exploring the said remedy, the petitioner cannot raise these points in execution petition filed by the respondents to recover the amount due under the arbitral award. The Court below rightly rejected the objections of the petitioner and allowed the execution petition and ordered attachment of the properties. I do not find any error in the order passed by the Court below.

5. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

09.02.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

The Additional District Court,
Namakkal.



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S.SOUNTHAR, J.

dm

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