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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-32044-2024
Date of Decision:28.11.2024

M/S CDS (INDIA) & SCC (JV) Petitioner

Versus

THE STATE OF PUNJAB AND ANOTHER Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Ramanjit Singh, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to Executing Court to decide its application in a time bound manner.
2. The petitioner claims that vide Award dated 17.02.2017 (Annexure P-2) Arbitral Tribunal allowed its claim. The respondent filed objection petition under Section 34 of Arbitration and Conciliation Act, 1996 (for short '1996 Act') before Additional District Judge, Ferozepur assailing Award dated 17.02.2017 (Annexure P-2). The said petition was rejected on the ground of jurisdiction. The award between the parties has become final. In 2019, the petitioner filed Execution Petition which was dismissed for want of prosecution. The proceedings in the said Execution Petition had reached at final stage. The petitioner preferred fresh Execution Petition No.113 of 2023 before District Judge, Ferozepur. The

matter is pending before Additional District Judge, Ferozepur since 2023. Actually, the process of execution is pending since 2019. The petition of 2023 is virtually continuation of earlier petition. The petitioner is deprived of his valuable rights arising out of award which was passed on 17.02.2017 (Annexure P-2).

3. Mr. Aman Dhir, DAG, Punjab who on advance notice is present in Court does not dispute the aforesaid factual position.
4. This Court is not oblivious of the fact that District Court is over burdened with litigation and it is not appropriate to control board of any Judicial Officer. Nevertheless, considering the factual position and object of 1996 Act, I deem it appropriate to request the Executing Court to expedite the matter.
5. Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

28.11.2024
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No