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**A.No.1702 of 2025
in
E.P.No.51 of 2023**

M/s.High Power V Insfrastructure Ltd.	... Applicant
Vs.	
M/s.Evocon Pvt. Ltd.	... Respondent

ABDUL QUDDHOSE.J.,

This application has been filed, aggrieved by the order of the learned Master dated 06.12.2024 passed in E.A.No.5115 of 2023 in E.P.No.51 of 2023 in A.F.No.2 of 2016. The applicant is the judgment debtor. The respondent is the decree holder. The decree holder had filed E.P.No.51 of 2023 before the learned Master seeking for attachment and sale of the property, morefully described in the schedule to the execution petition, which is owned by the applicant. Admittedly, the arbitral award passed in favour of the decree holder dated 20.07.2016 has now attained finality. Section 34 petition filed by the applicant, challenging the said arbitral award though came to be dismissed by the learned Single Judge of this Court on 04.07.2019 in O.P.No.29 of 2017, no appeal was filed by the applicant aggrieved by the order of the learned Single Judge, dismissing the Section 34 petition. Therefore, it is clear that the arbitral award has now attained finality. However, in the execution petition, the judgment debtor, the



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applicant herein, filed an application under Section 47 of the C.P.C., seeking to set aside the arbitral award. The learned Master under the impugned order has rightly dismissed the application filed in E.A.No.5115 of 2023 in E.P.No.51 of 2023 in A.F.No.2 of 2016 on the ground that the said application is not maintainable since the arbitral award has now attained finality. The learned Master while dismissing the application has also imposed a cost of Rs.50,000/- on the applicant.

2. This Court is of the considered view that the learned Master has rightly dismissed E.A.No.5115 of 2023 in E.P.No.51 of 2023 in A.F.No.2 of 2016 since the arbitral award, which is the subject matter of the execution petition has attained finality. However, while dismissing the application, the learned Master has imposed a cost of Rs.50,000/- on the applicant, which in the considered view of this Court was unnecessary. Therefore, this Court is of the considered view that the imposition of cost of Rs.50,000/- by the learned Master under the impugned order has to be set aside by this Court. However, the findings given by the learned Master with regard to the non maintainability of the application in E.A.No.5115 of 2023 on the ground that the arbitral award has attained finality is confirmed by this Court.



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3. Accordingly, this application is partly allowed by confirming the findings of the learned Master that the application filed by the applicant in E.A.No.5115 of 2023 in E.P.No.51 of 2023 in A.F.No.2 of 2016 is not maintainable. But, however, the imposition of cost of Rs.50,000/- on the applicant is set aside by this Court.

01.04.2025

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