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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **TR.P.(C.) 25/2024**

BHILAI AUXILLARY INDUSTRIES

.....Petitioner

Through: Mr. Rajiv Dalal, Mr. Aditya J., Mr.
Vikas Bhardwaj, Advs.

versus

**M/S ANDHRA FERRO ALLOYS
LIMITED & ORS.**

.....Respondents

Through: Mr. Onkar Nath, Mr. Manish Kumar,
Advs. for R-1 & 4.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

24.01.2025

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The present petition has been filed under Section 24 CPC read with Section 151 CPC seeking transfer of EX(COMM.)19/2023 titled "*Bhilai Auxillary Industries Vs. Mis Andhra Ferro Alloys Limited*" pending adjudication in the Court of Ld. District Judge (Commercial Court)-02, North West District, Rohini Courts, Delhi to the Court of Ld. District Judge (Commercial Court), North District, Rohini Courts, Delhi.

Learned counsel for the petitioner submits that the execution petition may be transferred as the subject matter lies in the North District.

Learned counsel for the respondent has opposed the present petition on two grounds. Firstly, the impugned award was passed only against the respondent No.1/ company whereas in execution petition Directors have also been made a party and the transfer has been sought on the basis of the



address of the Directors. The second objection raised is that in such kind of cases the execution petition can be filed directly at the place where the property is situated.

I consider that both the objections as being raised by the learned counsel for the respondent are not relevant for the purpose of transfer petition and these are to be heard and decided on merits by the jurisdictional Court.

This Court does not consider that any prejudice shall be caused to the respondent by transferring the EX(COMM.)19/2023.

In the circumstance, EX(COMM.)19/2023 is withdrawn from the Court of Ld. District Judge (Commercial Court)-02, North West District, Rohini Courts, Delhi and assigned to Ld. District Judge (Commercial Court), North District, Rohini Courts, Delhi.

Transferor Court is directed to send the record to the transferee court.

Copy of this order be sent to Ld. Principal District and Sessions Judge, North West District, Rohini Courts, Delhi and to Ld. Principal District and Sessions Judge, North District, Rohini Courts, Delhi for necessary compliance.

Liberty is granted to the respondent to raise all contentions before the appropriate Court.

DINESH KUMAR SHARMA, J

JANUARY 24, 2025/AR/KR..