



CR-1941-2026

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CR-1941-2026 (O&M)
Date of Decision: 12.03.2026**

Raghav Mahendru and others

.... Petitioners

Versus

M/s Intec Capital Limited and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Manit Malhotra, Advocate
for the petitioners.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 15.01.2026 (Annexure P-1) passed by learned Additional District Judge, Jalandhar whereby the objections filed by the petitioners to the execution application were dismissed and costs of ₹10,000/- were imposed and the property is again put to sale by way of Auction.

2. Learned counsel for the petitioners submitted that the petitioners being judgment debtors No.1, 2 & 4 had filed objections to the execution application filed by the respondent-decree holder before learned Executing Court. However, the said objections were dismissed with costs of ₹10,000/- vide impugned order dated 15.01.2026 (Annexure P-1). He further submitted that the grounds of objection raised by the petitioners-judgment debtors were two-fold. Firstly, the arbitral award was passed by an Arbitrator, who was unilaterally appointed by the respondent, which is impermissible under settled law. In this regard, he referred to Section 12(5)

of the Act and the judgment of Hon'ble Supreme Court in "*Perkins Eastman Architects DPC Vs. HSCC (India) Ltd.*", 2020(20) SCC 760. Secondly, the subject matter pertains to mortgaged immovable property which according to him cannot be considered as arbitrable dispute and even in the absence of the arbitration clause, the same could not have been referred to the Arbitrator and the aforesaid order which has been passed by learned Executing Court is contrary to law and therefore, is liable to be set aside.

3. I have heard learned counsel for the petitioners.

4. The first argument advanced by learned counsel for the petitioners was that the award had been passed by learned Arbitrator, who was unilaterally appointed and therefore, it lacks legal sanctity. However, a perusal of the impugned order would show that the award was passed by the Arbitrator on 05.09.2015. This means that the arbitral proceedings commenced prior to 2015 amendment to the Arbitration and Conciliation Act, 1996 which came into effect from 23.10.2015 and the award was also passed prior to the date of enforcement of the aforesaid amendment i.e. 23.10.2015. Learned Executing Court duly considered the aforesaid aspect and rejected the objections filed by the petitioners. So far as the applicability of the judgment of Hon'ble Supreme Court in *Perkins Eastman Architects DPC Vs. HSCC (India) Ltd.'s case (Supra)* is concerned, it is undoubtedly settled that an award passed by a unilaterally appointed Arbitrator is a nullity and cannot be enforced. At the same time, the aforesaid judgment was rendered in the year 2020 and is therefore, distinguishable from the facts of the present case. Consequently, the award, having been passed prior to the coming into force of the 2015 amendment, cannot be declared a nullity or set aside in the execution proceedings by accepting the petitioners' objections. No judgment has been

brought to the notice of this Court to demonstrate that the aforesaid amendment operates retrospectively. During the course of arguments, reference was made to a judgment of Hon'ble Supreme Court in "*Ellora Paper Mills Limited Vs. State of Madhya Pradesh*", 2022(3) SCC 1. However, the aforesaid judgment is not applicable to the present case and is totally distinguishable, since in that case, the arbitral proceedings technically did not commence before the aforesaid 2015 amendment which came into effect i.e. from 23.10.2015.

5. Another argument advanced by learned counsel for the petitioner with regard to non-arbitrability of the dispute on the ground that the subject matter pertains to mortgaged immovable property and relied upon the judgment of Hon'ble Supreme Court in "*Booz Allen and Hamilton Inc. Vs. SBI Home Finance Ltd. and others*" 2011(5) SCC 532, in this regard. The aforesaid judgment is not applicable to the present case and is totally distinguishable since the aforesaid judgment pertains solely to the scope of Section 8 of the Arbitration and Conciliation Act, 1996.

6. Learned Executing Court while dismissing the objections has also observed in Paragraph No.5 that the petitioners had earlier also filed objections raising the ground of maintainability of the arbitral proceedings. The said objections were dismissed with costs of ₹5,000/-. Thereafter, the petitioners again filed objections on the same grounds and this time learned Executing Court dismissed these objections by way of the impugned order dated 15.01.2026 (Annexure P-1) and imposed costs of ₹10,000/-. Both the aforementioned grounds taken by learned counsel for the petitioners i.e. with regard to the unilateral appointment of the Arbitrator and the non-arbitrability of the subject matter are not available to the petitioners for raising objections before learned Executing Court.

7. This Court is rather of the considered view that the petitioners have only tried to perpetuate litigation by filing the present civil revision petition. The present petition is devoid of merit and is hereby dismissed with ₹10,000/- (Rupees Ten Thousand only) as costs. The petitioners are directed to deposit the aforesaid costs to the High Court Legal Services Committee within a period of 2 months from today and thereafter, furnish a receipt of the same in the Registry of the Court.

8. In case, the receipt is not furnished before the Registry, then the Registry shall put up this case for compliance purposes after two months and thereafter, further necessary action will be considered in accordance with law including recovery, if so required, by way of arrears of land revenue.

12.03.2026*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |