

CNR No: HRGR010071892023

CIS No: EXE-901-2023

M/s Mahindra & Mahindra Vs. PSM Energy & Ors.

Present: Sh. Ajay Yadav, Advocate for the decree-holder.

Case received by way of transfer. It be checked and registered.

Learned counsel for the decree holder was asked to explain how this execution is maintainable but he had no answer for this point.

Heard on the point of maintainability.

Arbitral Award under execution perused. To my considered opinion, in view of the decision given Hon'ble Supreme Court in Perkins Eastman Architects DPC and anr. Versus HSCC (India) Ltd., 2020(1) Apex Court Judgments, 474 and Kotak Mahindra Bank Limited Versus Narender Kumar Prajapat D.O.D. 12.12.2023 in SLP (Civil) No. 47322/2023, present execution petition is not maintainable. In said cases, it was observed by Hon'ble Apex Court that the award passed by Sole Arbitrator unilaterally appointed, is not executable.

Accordingly, present execution petition stands **dismissed being not maintainable**. The parties shall be at liberty to re-agitate their claim in properly constituted Arbitral Tribunal. File be consigned to records after due compliance.

Date of Order: 2025-02-10
Yasir

(Sandeep Chauhan)
Additional District and Sessions Judge
UID NO . HR00271