

HDFC Bank Ltd. Vs. Naveen Kumar
Ex. (Comm.) No. 232/2022

28.07.2023

Present: Sh. Ish Preet Singh, Advocate proxy for Sh.

Sachin Katyal, Advocate for Decree Holder.

Steps not taken by the Decree Holder despite specific directions dated 24.03.2023. The perusal of the record shows that the present execution petition has been filed in respect of the **Arbitration Award** dated **25.02.2021** passed by the **unilaterally appointed Sole Arbitrator**. In this regard I may observe that as per the judgment passed by **Hon'ble Delhi High Court** in the case of “*Kotak Mahindra Bank Ltd. Vs. Narendra Kumar Prajapat*”, in *EFA (COMM) 3/2023* dated *17.05.2023*], the *exparte* award passed by a **Unilaterally appointed Sole arbitrator**, is “**non-executable**”.

Now at this stage, the Ld. Counsel appearing for the Decree Holder submits that he has instructions from the main counsel for Decree Holder to seek permission to withdraw present execution petition. Statement of Ld. Counsel to this effect has been recorded separately.

In view of the judgment in the case of “*Kotak Mahindra Bank Ltd. Vs. Narendra Kumar Prajapat*” (*supra.*) and the submissions made before me, the present execution petition is hereby dismissed as withdrawn.

File be consigned to **Record Room**.

(**Dr. Kamini Lau**)

District Judge (Commercial Court)-02,
Central, Tis Hazari Court, Delhi

28.07.2023