

Commercial Execution Petition No. 31 /2023

Order below Exh.1.

[1] Present execution petition is preferred by the Award (Decree) Holder against the Award (Judgment) Debtor. This court has put to the notice of the Id. advocate appearing for the Award (Decree) Holder, the judgment delivered by Hon'ble Calcutta High Court in the case of Cholanmandalam Investment and Finance Company Ltd. v/s. Amrapali Enterprises and Anr. in EC 122 of 2022 dated 14/03/2023, wherein it is held that the Award passed by unilaterally appointed sole arbitrator is not a legal decree in the eye of law and is not executable.

[2] Ld. advocate appearing for the Award (Decree) Holder has submitted conditional withdrawal pursis vide Exh. **10** for withdrawal of this execution petition with a condition mentioned therein. Hence, considering the legal position as stated above and in view of the withdrawal pursis filed by Id. advocate appearing for the Award (Decree) Holder, present execution petition stands disposed of accordingly with a condition mentioned in the withdrawal pursis. No order as to cost.

[3] The original award filed in the petition is ordered to be returned on filling of certified copy of the same in the petition.

[4] This withdrawal will not affect the right of the Award Holder to take any legal action as per law.

Place : Botad

Date : 09/09/2023

LOK ADALAT

[Bhaveshkumar Hiralal Kapadia]

UID - GJ00687

Judge, Commercial Court, Botad