



2026:CGHC:10148



2025:CGHC:48862

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP(227) No. 1120 of 2025

Santosh Singh Thakur S/o Ujjaval Singh Thakur Aged About 55 Years R/o Purani Basti, Ward No. 8, Bagbahar, Police Station And Tahsil Bagbahar, District Jashpur C.G.

...Petitioner

1 - M/s Indusind Bank Limited No. 115, 116, G.N. Cheti Road, T. Nagar, Chennai, Through - Vishwanath Pradhan, S/o Shri Shyamlal Pradhan, Law Officer, Indusind Bank.

2 - Yashpal Singh S/o Bahadur Singh, Kudurmaal, Near Ashish Tractor, Uрга, Dist. Korba (C.G.)

... Respondents

For Petitioner	:	Shri Pritam Singh, Advocate.
For Respondent No.1	:	Shri Ashish Surana, Advocate appeared through Video Conferencing.

Hon'ble Shri Justice Sachin Singh Rajput

Order on Board

26/02/2026

1. Following relief has been claimed by the petitioner:-

- (i) Pass an order setting aside impugned arbitral award dated 09.05.2022 (Annexure P/1);
- (ii) Pass an order directing the respondent banks to issue a no objection certificate certifying that the petitioner does not have any loan amount due on him by the respondent bank and further certifying the loan amount pursuant to the loan agreement dated 12.09.2018, Stands fully repaid;



- (iii) Issue appropriate writ, order, direction in the nature of certiorari and quash the impugned execution proceedings bearing Civil Execution (Arbitration) No. 03/2023 between parties M/s Indusind Bank Limited Versus Santosh Singh and another pending before District Judge Jashpur, Distt. Jashpur(C.G.);
- (iv) Pass any other order the Hon'ble Court may deem fit in the interest of justice.
2. Challenge in this writ petition is to an award dated 09.05.2022 passed by the Sole Arbitrator and the execution proceedings filed on the strength of the award which is pending for consideration before the Principle District Judge, Jashpurnagar in Civil Execution (Arbitration) No. 03/2023.
3. Learned counsel for the petitioner submits that the challenge is only on the ground that the Sole Arbitrator was appointed unilaterally. It has been further submitted that the award itself is bad in law and is a nullity being contrary to the Provisions Section 12(5) of the Arbitration and Conciliation amended Act, 2015 (for short "Act 2015"). As the issue involved in this writ petition is no longer *res-integra* in light of the judgment passed by this Court in **WP227 No.726/2023** passed in case of **Shreepat Mishra & Anr. Vs. M/s. Equitas Finance Bank Limited & Ors.** Order dated 09.09.2024. Thus he submits that the impugned award and execution proceedings may be set aside.
4. Learned counsel for the respondent opposing the submission made by the learned counsel for the petitioner submits that the award was passed in the year 2022 and the writ petition was filed in the year 2025. He has alternative remedy to challenge the award under section 34 of the Arbitration and Conciliation Act, 1996 (for short "Act of 1996") as amended from time to time. Thus, this writ petition may not be entertained and is liable to be dismissed. However he is not in position to dispute the law laid down in the case of **Shreepat Mishra (Supra)**.
5. Heard learned counsel for the parties and perused the documents appended with the record.



6. The argument advanced by the learned counsel for the parties have been extensively dealt with by this Court in case of **Shreepat Mishra (Supra)**. The argument advanced by the learned counsel for the respondent with regard to filing an application under Section 34 of the Act of 1996 is also been dealt with in the case of **Shreepat Mishra (Supra)**. In sum and substance, the facts of the case are squarely covered by the judgment in the case of **Shreepat Mishra (Supra)**. Thus, this Court cannot take a different view from the one been taken in case of **Shreepat Mishra (Supra)**. Thus, this writ petition is allowed and the award dated 09.05.2022 and Civil Execution (Arbitration) No. 03/2023 are hereby quashed in terms of the order passed by this Court in case of **Shreepat Mishra (Supra)**. However, liberty is reserved in favour of the respondent No.1 to initiate fresh proceedings against the petitioner in accordance with settled legal position and also in accordance with law. So far as prayer No.2 is concerned, the petitioner is at liberty to seek the same in the appropriate proceedings.
7. Accordingly, this writ petition is allowed.

Sd/-
(Sachin Singh Rajput)
Judge