



E.P.Nos.68 & 69 of 2021

C.SARAVANAN, J.

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A preliminary objection was raised by the respondents regarding maintainability of these Execution Petitions under Sections 47 & 49 of the Arbitration and Conciliation Act, 1996 read with Order XXI Rule 46 of the Code of Civil Procedure, 1908, on the ground that there is failure on the part of the petitioner to comply with the mandatory requirements under Section 47 (1) (a) & (b) of the Arbitration and Conciliation Act, 1996.

2.The learned counsel for the petitioner on the other hand would draw reference to pg.nos.217 to 219 of the typed set of papers which authenticates the Award passed on 04.02.2021, wherein each of the three Arbitrators in unison have stated similarly as follows:-

“By the powers now vested in me I do now grant my permission for the FOSFA secretariat to apply my signature electronically for the purposes of finalising this award along with my fellow tribunal members.

It represents a deviation from the Rules of Arbitration and Appeal, but is an expedient to circumnavigate unnecessary delay and non-progression of the dispute resolution process. The Arbitration Act, 1996 provides such procedural variation to be applied.”



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3.That apart, the learned counsel for the petitioner would submit that he is now in possession of the original copy of the Award duly signed by the all the three Arbitrators now.

4.Hence, objection of the respondent has to be over ruled since, if the original of the Award dated 04.02.2021 is available, I therefore direct the petitioner to docket the same and file the original of the Award dated 04.02.2021 before the Registry and after serving a copy on the counsel for respondents.

5.List the matter on 05.12.2023. The respondents are given liberty to file additional counter affidavit if any in response to the steps to be taken by the petitioner after the original of the Award dated 04.02.2021 is filed.

6.List the case on 05.12.2023.

15.11.2023

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