



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

**Execution Petition No.14 of 2022
in Arb. Claim No.175 of 2021**

Decided on: 27.11.2025

M/s Biogenetic Drugs Pvt. Ltd. ... Decree Holder/claimant.

Versus

M/s Kerala Medical Services
Corporation Limited ... Judgment Debtor/respondent.

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge.

Whether approved for reporting?¹

For the Decree Holder : Ms. Madhurika Shekhon, Advocate.
For the Judgment Debtor: Mr. Varun Rana, Advocate.

Ajay Mohan Goel, Judge (Oral)

This execution petition has been filed by the Decree Holder herein seeking the execution of the Award passed by the learned Arbitrator in Arbitration Claim No.175 of 2021, titled M/s Biogenetic Drugs Pvt. Ltd. Versus M/s Kerala Medical Services Corporation Limited, decided on 14.06.2022.

2. Post issuance of notice to the Award Debtor, the Award Debtor has filed an affidavit, perusal thereof demonstrates that the Award Debtor does not has any movable or immovable property situated within the territorial jurisdiction of this Court.

3. Learned Counsel for the Decree Holder urged that as the Award Debtor is holding a Bank account in a Bank which also has its branches in the State of Himachal Pradesh and as the said Bank

¹ Whether reporters of the local papers may be allowed to see the judgment?



account has been ordered to be attached by this Court, therefore, this Court is having the territorial jurisdiction upon this Court.

4. This Court already in *Execution Petition No. 28 of 2023*, titled *M/s Esteem Industries Versus Chhattisgarh Medical Services Corp. Ltd. and another*, decided on 31.10.2025, held that simply because the Award Debtor may be having an account in a Bank not in the State of Himachal Pradesh, but somewhere else, which Bank may also be having its branches in the State of Himachal Pradesh, the same does not confers any jurisdiction upon this Court, that is to say territorial jurisdiction to execute the Award and otherwise also, in light of the law declared by the Hon'ble Supreme Court of India in *Sundaram Finance Limited represented by J. Thilak, Senior Manager (Legal) Versus Abdul Samad and Another*, (2018) 3 Supreme Court Cases 622, the Award Debtor can file the execution where the movable or immovable property of the Award Debtor is situated.

5. The execution petition is accordingly disposed of with liberty to the execution petitioner to seek the execution of the Award from the Court within whose territorial jurisdiction the Award Debtor has its movable and immovable assets. Pending miscellaneous application(s), if any also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

November 27, 2025
(Rishi)