

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**CMPMO No.312/2025 a/w
CMPMO Nos.313, 315 & 317 of 2025
Date of Decision: 26th November, 2025.**

1. CMPMO No.312 of 2025

Greenko Sumez Hydro Energies Pvt. Ltd.Petitioner
Versus

M/s Ajeet Singh and Ors.Respondents

2. CMPMO No.313 of 2025

Greenko Sumez Hydro Energies Pvt. Ltd.Petitioner
Versus

M/s Ajeet Singh and Ors.Respondents

3. CMPMO No.315 of 2025

Greenko Sumez Hydro Energies Pvt. Ltd.Petitioner
Versus

M/s Ajeet Singh and Ors.Respondents

4. CMPMO No.317 of 2025

Greenko Sumez Hydro Energies Pvt. Ltd.Petitioner
Versus

M/s Ajeet Singh and Ors.Respondents

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The Hon'ble Mr. Justice Bipin Chander Negi, Judge.

Whether approved for reporting?¹

For the Petitioner(s): Mr. Vikrant Thakur, Advocate, in all the petitions.

For the Respondent(s): Mr. B.N. Sharma, Advocate, for respondent No.1 in all the petitions.

None for respondent No.3.

No notice issued to respondent No.2

Bipin Chander Negi, Judge (oral).

Since common questions arise for consideration in the afore-stated cases, therefore, with the consent of the parties/counsels, all the cases are being taken up together for consideration and disposal.



2. The present petitions have been filed seeking the following reliefs:-

- "i. Issue appropriate order or direction, quashing and setting aside the impugned order dated 02.05.2025 as passed by the learned District and Sessions Judge, Shimla and all consequential proceedings in Execution Petition No.197 of 2020 qua the petitioner herein; and*
- ii. Declare that the petitioner's bank account is wrongfully attached and that the petitioner is neither a party to the execution proceedings nor liable under the decree sought to be executed against respondent No.2 (judgment debtor); and*
- iii. Direct the respondent No.3 (the bank) to immediately unfreeze and release the attached bank account of the petitioner forthwith; or*
- iv. Pass any other or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interests of justice and equity."*

3. Heard counsel for the parties and perused the pleadings and documents appended along with.

4. Admittedly, in the case at hand, present proceedings have arisen out of an execution proceedings pending consideration before the learned District Judge, Shimla, HP. The execution proceedings have been initiated by the present respondents/decreed holders in pursuance to an arbitration award passed under the Arbitration and Conciliation Act, 1996 in favour of the decreed holders.

5. Learned counsel for the respondents/decreed holders submits that the arbitration award was passed in pursuance to a



construction and infrastructure contract entered into by the decree holders, hence, it is an admitted position by the decree holders that the arbitration award passed in the case at hand pertain to a commercial dispute referable to Section 2(c)(vi) of the Commercial Courts Act.

6. Learned counsel for the petitioner in the aforesaid backdrop submits that after the Constitution of a Commercial Division in terms of Section 4(2) of the Commercial Courts Act as defined under Section 2(d) of the Commercial Courts Act vide notification dated 24.10.2024, the said Commercial Division would be only the competent Court to execute an arbitral award qua "a Commercial Dispute" in which an award has been passed under the Arbitration and Conciliation Act, 1996 and not the Principal Civil Court having original jurisdiction in the district i.e. the Court of the District and Sessions Judge, as defined under Section 2(I)(e) of the Arbitration and Conciliation Act, 1996.

7. Section 10(3) and 15(2) of the Commercial Courts Act both are relevant for deciding the controversy involved in the present matters and they are reproduced as under:

*"10. Jurisdiction in respect of arbitration matters.-
Where the subject-matter of an arbitration is a
commercial dispute of a Specified Value and-*

(1) xxxxxxxxxxxxxxxx

(2) xxxxxxxxxxxxxxxx

*(3) If such arbitration is other than an international
commercial arbitration, all applications or appeals
arising out of such arbitration under the provisions of
the Arbitration and Conciliation Act, 1996 (26 of*



1996) that would ordinarily lie before any principal civil court of original jurisdiction in a district (not being a High Court) shall be filed in, and heard and disposed of by the Commercial Court exercising territorial jurisdiction over such arbitration where such Commercial Court has been constituted."

"15. Transfer of pending cases.-(1) xxxxxxxxxxxx

(2) All suits and applications, including applications under the Arbitration and Conciliation Act, 1996 (26 of 1996), relating to a commercial dispute of a Specified Value pending in any civil court in any district or area in respect of which a Commercial Court has been constituted, shall be transferred to such Commercial Court:

Provided that no suit or application where the final judgment has been reserved by the Court prior to the constitution of the Commercial Division or the Commercial Court shall be transferred either under sub-section (1) or sub-section (2).

(3) xxxxxxxxxxxx

(4) xxxxxxxxxxxx

(5) xxxxxxxxxxxx"

8. A conjoint reading of Section 10(3) and 15(2) of the Commercial Courts Act makes it clear that an application under Section 36 of the Arbitration Act, seeking execution of award, satisfies the requirement of being an "application arising out of such arbitration under the provisions of the Act of 1996." If such application is pending before any Principal Civil Court of original jurisdiction in a district, the same shall be transferred to Commercial Court exercising territorial jurisdiction over such arbitration where such Commercial Court has been constituted.



In view of Section 10(3) of the Commercial Courts Act, since the awards in the present set of cases have been rendered in arbitral proceedings, their execution applications filed under Section 36 of the Arbitration Act having regard to provisions of Section 15(3) of the Commercial Courts Act, which contemplates transfer of all such pending applications to Commercial Court, as a legal corollary thereto, would also be liable to be filed and maintained before the Commercial Court and not the ordinary Civil Court/Principal Court of District Judge.

9. In view of the fact that a Commercial Division has been constituted by the High Court vide notification dated 24.10.2024 and in terms of Section 15 of the Commercial Courts Act, 2015, the execution proceedings wherefrom the present proceedings arise need to be transferred to the Commercial Division of the High Court. Therefore, the execution proceedings in the case at hand be transferred on or before 15.12.2025. On such transfer, the petitioners herein would be at liberty to file objections qua the impugned attachment order dated 02.05.2025 passed by the Executing Court i.e. the Principal Civil Court having original jurisdiction in the District (Court of District and Sessions Judge, Shimla).

10. Learned counsel for the petitioner(s) seeks permission to withdraw the instant petitions. Permission granted. The interim protection granted vide order dated 17.06.2025, shall however, continue till 15.12.2025.



11. Accordingly, the present petitions are dismissed as withdrawn, so also the pending application(s), if any.

(Bipin Chander Negi)
Judge

26th November, 2025
(Gaurav Rawat)