

ITEM NO.17 Court 12 (Video Conferencing) SECTION XI  
S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 4654/2022

(Arising out of impugned final judgment and order dated 10-12-2021 in MUA227 No. 7330/2021 passed by the High Court Of Judicature At Allahabad)

M/S CHOPRA FABRICATORS AND MANUFACTURERS PVT. LTD. Petitioner(s)

VERSUS

BHARAT PUMPS AND COMPRESSORS LTD. & ANR. Respondent(s)

(FOR ADMISSION and I.R. and IA No.37757/2022-EXEMPTION FROM FILING O.T.)

Date : 01-04-2022 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH  
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s) Ms. Aarti Upadhyay Mishra, AOR  
Mr. Rakesh U. Upadhyay, Adv.  
Mr. Rishabh Pandey, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

This is a glaring example of frustrating the arbitration proceedings under the Arbitration Act. The Award has been passed in the year 1992 and the execution petition is of the year 2003, which is still reported to be pending.

It is very unfortunate that even after a period of 30 years, the party in whose favour the Award is passed is not in a position to enjoy the fruit of the litigation/Award. Even the execution petition is also pending for more than 19 years.

This is a very sorry state of affairs that even the execution proceedings to execute the Award passed under the Arbitration Act are pending for more than 20 years. If the Award, under the Arbitration Act, is not executed at the earliest, it will frustrate the purpose and object of the Arbitration Act as well as the

Commercial Courts Act. Even as per the new Commercial Courts Act, 2015 the commercial dispute is required to be decided and disposed of at the earliest and within the stipulated time provided under the Act, namely, one year. There must be number of such proceedings pending in the courts under the jurisdiction of the High Court of Judicature at Allahabad.

We direct the Registrar General of the High Court of Judicature at Allahabad and the Lucknow Bench to place on record (i) how many execution petitions to execute the Award both under the Arbitration Act, 1940 and under the Arbitration and Conciliation Act, 1996 are pending in the subordinate courts/executing courts in the entire State; (ii) how many Section 34 applications are pending in the entire State and from which year and (iii) how many Section 37 applications are pending before the High Court and from which year.

The aforesaid information in the form of a detailed report shall be placed before this Court on or before the next date of hearing.

Put up on 28.04.2022 on top of the Board.

Insofar as the present case is concerned, considering the fact that the Award which is sought to be executed is of the year 1992 and the execution proceedings are pending since 2003, we direct the executing court to finally decide and dispose of the execution petition within a period of four weeks from the date of receipt of the present order.

(R. NATARAJAN)  
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)  
BRANCH OFFICER