



CR-6449-2025

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CR-6449-2025

Date of Decision: 15.09.2025

Raj Kumar Arya

.... Petitioner

Versus

Kotak Mahindra Bank Ltd.

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Munish Mittal, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 22.08.2025 (Annexure P-4) vide which warrant of arrest and warrant of attachment of property has been issued by learned Additional District and Sessions Judge, Faridabad against the petitioner.

2. Learned counsel for the petitioner submitted that the execution application was not maintainable against the present petitioner, who is the judgment debtor in view of the fact that the Arbitrator so appointed was appointed in violation of Section 12(5) of the Arbitration and Conciliation Act, 1996. He further submitted that in this way the learned Executing Court has erroneously passed the impugned order by observing that the execution application is maintainable.

3. I have heard the learned counsel for the petitioner.

4. The only issue involved in the present case as stated by learned counsel for the petitioner that the award was passed by the Arbitrator, who

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was appointed in violation of Section 12(5) of the Arbitration and Conciliation Act, 1996 and therefore, it is void. However, a perusal of the impugned order dated 22.08.2025 (Annexure P-4) would show that the award in question was passed on 26.09.2014 which was prior to the 2015 amendment to Arbitration and Conciliation Act, 1996 and therefore, on this ground it was held that the execution application is maintainable.

6. In view of the aforesaid factual position so stated in the impugned order dated 22.08.2025, this Court is of the considered view that once the award has been passed prior to the amendment of the Arbitration and Conciliation Act, 1996 in the year 2015, the aforesaid provision of Section 12(5) of the Arbitration and Conciliation Act, 1996 will not apply and therefore, there is no error or perversity found in the impugned order.

7. Consequently, the present petition is hereby dismissed.

15.09.2025*Bhumika***(JASGURPREET SINGH PURI)**
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |