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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of Decision: 11th July, 2025***

+ CM(M) 1191/2025 & CM APPL. 40114-40115/2025

TAKSHAKA INTERIORS PVT LTDPetitioner

Through: Mr. Ashish Aggarwal, Mr. Vidit Garg
and Ms. Shivangi Shokeen, Advocates

versus

ESPIRE RESORTS PVT LTDRespondent

Through:

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Award in question is dated 28.02.2023.
2. Armed with the aforesaid Award, the counter-claimant concerned filed an Execution Petition before the Court of learned District Judge (Commercial Court)-01, South District, Saket Courts, New Delhi. It was in relation to the counter-claim which had been allowed by the learned Arbitral Tribunal. Fact remains that the claim of the petitioner herein was dismissed *vide* aforesaid composite Award dated 28.02.2023.
3. During pendency of the aforesaid Execution Petition, the petitioner herein filed certain objections and learned District Judge (Commercial Court) has refused to take note of such objections and has rather directed issuance of *warrants of attachment*, on certain conditions.
4. Learned District Judge (Commercial Court) also questioned the maintainability of *Objection Petition* on the ground that if the objector was



aggrieved by the Award, it could have easily filed a petition under Section 34 of Arbitration and Conciliation Act, 1996.

5. Before the learned District Judge (Commercial Court), the petitioner, by filing the *Objection Petition*, took several objections including that of pecuniary and territorial jurisdiction and *inter alia*, with respect to Award being insufficiently stamped.

6. On the last date, there was appearance from the side of respondent and they apprised that petitioner herein M/s Takshaka Interiors Pvt. Ltd has already invoked jurisdiction of this Court by filing a petition under Section 34 of Arbitration and Conciliation Act, 1996 which has been registered as *O.M.P. (COMM) 332/2023*.

7. Learned counsel for petitioner does not dispute the aforesaid filing of the petition under Section 34 of Arbitration and Conciliation Act, 1996. He submits that by filing the aforesaid petition, they not only challenge the dismissal of their claim but also take exception to the order whereby the counter-claim has been allowed by the learned Tribunal.

8. Fact, however, remains that when the aforesaid petition filed under Section 34 of Arbitration and Conciliation Act, 1996 was taken up by the learned Co-ordinate Bench of this Court, while issuing notice way back on 22.08.2023, following condition was imposed upon the petitioner: -

“Subject to the Petitioner depositing with the Registrar General of this Court the amount awarded in favour of the Respondent under the counter claims (Principal and upto date Interest) within ten weeks from today, operation of the impugned award date 28.02.2023 shall remain stayed, till the next date of hearing, the amount so deposited shall be invested by the Registrar General in an interest-bearing Fixed Deposit, with a Nationalised Bank.”



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9. Admittedly, such directions have yet not been complied with and in such a peculiar situation, this Court does not find any compelling reason to invoke its supervisory jurisdiction under Article 227 of the Constitution of India and to interfere with the impugned order. What cannot be achieved directly, cannot be permitted to be achieved indirectly.

10. Petition is accordingly dismissed.

11. Pending applications are also disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

JULY 11, 2025/dr/shs