



2026:CGHC:11810

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 889 of 2025

1. Nitin Sahu, S/o Shri Natthu Prasad Sahu, Aged About 34 Years, R/o H. No. 639, Pendra, Tehsil Pendra, District Gaurela-Pendra-Marwahi, Chhattisgarh (Judgment Debtors).
2. Urmilla Nitin, D/o Shri Natthu Prasad Sahu, Aged About 58 Years, R/o H. No. 639, Pendra, Tehsil Pendra, District Gaurela-Pendra-Marwahi, Chhattisgarh (Judgment Debtors).

... **Petitioners**

versus

- M/s Cholamandalam Investment And Finance Company Limited, Registered Office At Dare House No. 2, N.S.C. Bose Road, Chennai, 600001, Branch Office - Cholamandalam Investment And Finance Company Ltd. Ward No.21, Beside Bhaiyyalal Petrol Pump, Ambikapur Road, Chainpur Manendragarh, Tehsil Manendragarh, District Korea, Chhattisgarh, Now District (MCB) (Description Of The Parties Mentioned As Per The Records Of Impugned Execution Proceedings)

... **Respondent**

(Cause title taken from Case Information System)

For Petitioners	:	Mr. Ritesh Verma, Advocate.
For Respondent	:	Mr. Mukesh Sharma, Advocate.

Hon'ble Shri Justice Sachin Singh Rajput

Order on Board

12/03/2026

1. Heard.
2. This petition has been preferred by the petitioners under Article 227 of the Constitution of India, seeking the following relief(s):-

“10.1 That, the Hon'ble Court may kindly be pleased to quash the impugned execution proceedings bearing MJC Civil Case No.23/2022 between the parties



(Cholamandalam Investment and Finance Co. Ltd., Vs. Nitin Sahu and another) pending before the Court of District Judge, Pendraroad, District G-P-M- (C.G.) (Annexure-P/1).

10.2 This, Hon'ble Court may further be pleased to pass any order or issue any suitable writ of superintendence as this Hon'ble Court may deem fit under the circumstances of the case including the cost of the petition."

3. Mr. Verma, learned counsel for the petitioners submits that the identical issue has previously arisen before this Court in WP227 No.1162 of 2024 and this Court vide its order dated 04.03.2025 allowed that writ petition and quashed the execution proceedings initiated, on account of an award passed by an arbitrator appointed unilaterally by the respondent. He further submits that the issue involved in the present writ petition is no longer *res integra* in light of the above aforementioned judgment. Therefore, he prays that the present writ petition may also be decided in terms of that order.
4. Learned counsel for the respondent though opposes the submissions, however he is not in a position to dispute the law laid down by this Court in WP227 No.1162 of 2024. A pointed query was raised by this Court as to whether, the order dated 04.03.2025 passed in WP227 No.1162 of 2024 has been assailed or not. Mr. Sharma submits that the order has not been assailed as yet.
5. I have heard learned counsel for the parties and perused the record carefully.
6. The challenge in this writ petition is to an execution proceeding initiated by the respondent for execution of the award dated 16.05.2022 passed by the Sole Arbitrator. The submission of learned counsel for the petitioners is that the appointment of the arbitrator was unilateral and against the mandate of Section 12(5) r/w Schedule 7 of the Arbitration and Conciliation Act, 1996, as amended by the Amendment Act of 2015. He submits that the issue involved in WP227 No.1162 of 2024 is similar to the case at hand, where the arbitrator



was appointed by the respondent unilaterally. Therefore, the award is required to be set aside including the execution proceeding. This Court, in that previous case, relying upon the judgment of Supreme Court and this Court in the cases of Bharat **Broadman Limited Vs. United Telecom**, 2019 (5) SCC 755; **Shreepat Mishra and another Vs. M/s Equitas Small finance Bank Limited and others**, WP227 No.726 of 2023 decided on 09.09.2024; **TRF Limited Vs. Energo Engineering Projects Limited**, 2017 (8) SCC 377; **Perkins Eastman Architects DPC and another Vs. HSCC (India) Ltd.**, AIR 2020 SC 59, allowed that writ petition and quashed the award and execution proceedings. In the opinion of this Court, as the said order passed in WP227 No.1162 of 2024 has not been assailed by the respondent, this Court is not inclined to take a different view. Therefore, the execution proceedings (Annexure P-1) and award dated 16.05.2022 (Annexure P-2) are hereby quashed. However, liberty is reserved in favour of the respondent to initiate fresh proceeding in accordance with the settled legal preposition.

7. With the aforesaid observation(s), this petition is disposed of.
8. Interlocutory application(s), pending if any, also stands disposed of.

Sd/-
(Sachin Singh Rajput)
Judge