

OCD-3

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA  
COMMERCIAL DIVISION  
ORIGINAL SIDE

EC-COM/363/2026  
IA NO: GA-COM/1/2026, GA-COM/2/2026

IMPERIAL FRAGRANCE AND FLAVOURS PVT LTD  
VS  
PADMA PERFUMERY WORKS

BEFORE:

The Hon'ble JUSTICE GAURANG KANTH

Date : 1<sup>st</sup> October, 2026.

Appearance:

Mr. Satyam Bhimsaria, Adv.

Ms. Sananda Ganguli, Adv.

...for the award-holder/petitioner

**In Re: IA No. GA-COM/1/2026 & GA-COM/2/2026**

The Court: Both the applications have been filed by the petitioner/award-holder in the present execution proceeding.

The consent terms dated 11<sup>th</sup> April, 2025 were recorded before the Mediation and Conciliation Committee of Hon'ble High Court at Calcutta in pre-institution mediation under Section 12A of the Commercial Courts Act, 2015. Under Section 12A(5) of the Act, a settlement arrived at in such mediation has the status and effect as an arbitral award on agreed terms and conditions under Section 30(4) of the Arbitration and Conciliation Act, 1996. It is therefore enforceable in the same manner as an arbitral award under Section 36 of the Arbitration and Conciliation Act, 1996.

In GA-COM/1/2026 affirmed on 18<sup>th</sup> June, 2026, the petitioner prays for transfer of the consent terms dated 11<sup>th</sup> April, 2025 for execution before the Hon'ble City Civil Judge & Sessions Judge (Commercial Court) at Bengaluru Court at Bangalore. In Paragraph 13 of the application, the petitioner discloses that it has already instituted an execution proceeding, being Commercial Execution Case No. 971/2025 before the Commercial Court, Bengaluru and that the present execution application was filed on 16<sup>th</sup> June, 2026.

In GA-COM/2/2026 affirmed on 24<sup>th</sup> September, 2026 the petitioner states that it has come to know of an immovable property of the award-debtor no.1 at 237/5, Hosur Village, Kanchakaranahalli Panchyat, Bidai Hobli, Ramnagara Taluk and District: Karnataka. In Paragraph 14, the petitioner states that it is required to seek execution of the consent terms dated 11<sup>th</sup> April, 2025 before the Ld. District and Sessions Court, District Court Complex, B.M. Road, Ramanagara, Karnataka, 562159. However, in paragraph 15, the petitioner prays for transfer of the consent terms to the City Civil Judge & Sessions Judge (Commercial Court) at Bengaluru for execution.

The Court notes the following discrepancies between the two applications. GA-COM/1/2026 expressly discloses the pendency of Commercial Execution No. 971/2025 before the Commercial Court at Bengaluru. GA-COM/2/2026 filed three months later makes no reference to that proceeding at all. It proceeds as if no execution proceedings has been instituted at Bengaluru and asserts that the petitioner is required to seek execution before the Court at Ramanagara. In GA-COM/2/2026, the

execution court named in paragraph 14 is different from the Court to which transfer is sought in paragraph 15 i.e., Bengaluru.

The petitioner being a party seeking relief on affidavit is expected to make full and consistent disclosure in particular with regard to the pendency of other proceedings for the same relief. This Court takes note of the omission in GA-COM/2/2026 and cautions the petitioner to disclose the pendency of Commercial Execution Case No. 971/2025 in every proceedings it may hereinafter institute for enforcement of the consent terms dated 11<sup>th</sup> April, 2025.

In terms of **Sundaram Finance Limited vs. Abdul Samad and Anr.** reported in **AIR 2018 SCC 965**, the Hon'ble Supreme Court held that an arbitral award is a decree for the purposes of execution. Consequently, an execution application may be filed directly in any Court in the country and the decree can be executed including by a Court within whose jurisdiction the assets of the award-debtor are situated. It is not necessary to first obtain a transfer of the decree from the Court that would have jurisdiction over the arbitral proceedings.

In the present case, the petitioner has already availed of this remedy by directly instituting the execution proceeding before the competent Court at Bengaluru in Commercial Execution Case No. 971/2025. No order of transfer from this Court is necessary or called for in respect of the said proceeding.

For the reasons stated above, if the petitioner wishes to proceed against the property situated at Ramanagara District, it is open to the petitioner to approach the competent Court having territorial jurisdiction

over the said property in accordance with law without any order of transfer from this Court.

In view thereof, GA-COM/1/2026 and GA-COM/2/2026 are accordingly disposed of holding that no order of transfer is required. The petitioner is at liberty to pursue Commercial Execution Case No. 971/2025 pending before the City Civil Judge & Sessions Judge (Commercial Court) at Bengaluru. It may also take steps before the competent Court having jurisdiction over the property at Ramanagara in accordance with law, subject to full disclosure of all pending execution proceedings.

Nothing in this order shall be construed as an expression of opinion on the merit of the claim or on the enforceability of the consent terms while the executing Court shall decide the same in accordance with law.

**In Re. EC-COM/363/2026**

Learned Counsel for the award-holder seeks to withdraw the present execution petition.

In view of the same, the present execution petition stands dismissed as withdrawn.

(GAURANG KANTH, J.)