

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1072 of 2024**

M/S B. Prasad and Company through Krishna Murari Kumar, aged about 51 Years (Male), son of Bisheshwar Prasad, resident of Anishabad, Harnichak, Private P and T Colony, Patna.

... .. Petitioner/s

Versus

The Executive Engineer (c) Civil Construction Wing All India Radio, Chajjubagh, Frazer Road, Patna-800001.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. J.S. Arora, Sr. Advocate Mr. Manoj Kumar, Advocate
For the Respondent/s	:	Mr.

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 21-10-2024

The record has been taken up on mentioning being made on behalf of the petitioner.

2. Heard learned senior counsel appearing on behalf of the petitioner.

3. Learned senior counsel appearing on behalf of the petitioner submits that the present petition has been filed only for a direction to learned Additional District Judge-X, Patna to dispose of Execution Case No. 62 of 2016/ 284 of 2022 expeditiously, which has been filed by the petitioner for execution of Award dated 10.05.2014 passed in Arbitration Case No. CV/ARB/AIR/1 by the learned Sole Arbitrator. The learned senior counsel further submits that the matter has been pending since 2016 and no effective steps have been taken and the



learned executing court has not shown any seriousness at any point of time in disposing of the said execution case. The approach of the learned executing court is against the direction/guidelines contained in the decision of the Hon'ble Supreme Court in the case of ***Rahul S. Shah Vs. Jinendra Kumar Gandhi and Others***, reported in ***(2021) 6 SCC 418***, wherein the Hon'ble Supreme Court has issued certain guidelines for executing court to adhere to and has also directed that the executing proceeding must be concluded within six months. The learned senior counsel further submits that even recently the Hon'ble Supreme Court in the case of ***Chopra Fabricators and Manufactures Private Limited vs. Bharat Pumps and Compressors Limited and another*** reported in ***(2023) 3 SCC 534*** held that arbitration award must be executed without delay and if it is not executed at the earliest, it will frustrate the purpose and objection of the Arbitration Act as well as the Commercial Courts Act. The learned executing court was directed to finally decide and dispose of the execution petition within a period of four weeks from the date of receipt of the aforesaid order. Thus, learned senior counsel submits that the learned executing court may be directed to hear the matter without giving unnecessary adjournments and dispose of the



case as early as possible.

4. Since the petitioner has come before this Court with limited prayer for expeditious disposal of the execution case which is pending since 2016, I do not think there is any need to issue notice to the respondent.

5. Having regard to the facts and circumstances and submission made on behalf of the petitioner, learned executing court, i.e, Additional District Judge-X, Patna is directed to take up the Execution Case No. 284 of 2022 in all earnest and try to dispose of it at the earliest in terms of the guidelines issued by the Hon’ble Supreme Court in the cases of *Rahul S. Shah* (*supra*) and also *Chopra Fabricators and Manufactures* (*supra*).

6. With the aforesaid direction, the present petition stands disposed of.

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.10.2024
Transmission Date	NA

