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

FAO-CARB-23-2022 (O&M)
Date of Decision: 3rd November, 2025

M/S. RAHEJA DEVELOPERS

.....Appellant(s)

V/s

M/S. PLN9 SECURITY SERVICES PVT. LTD.

.....Respondent(s)

CORAM: **HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA**
HON'BLE MR. JUSTICE ROHIT KAPOOR

Present Mr.Anmol Partap Singh Mann, Advocate,
for the appellant(s).

None for the respondent.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This appeal assails an order dated 11.04.2022, passed by the Exclusive Commercial Court, Gurugram whereby, the Petition filed by the appellant under Section 34 of the Arbitration and Conciliation Act, 1996, has been dismissed whereby objections filed by the appellants have been rejected on the ground that 75% of the awarded amount has not been deposited in terms of the provisions of Section 19 of the Micro, Small And Medium Enterprises Development Act, 2006 (for short “the MSME Act”).

2. While entertaining the present appeal, this Court has passed the following orders on 20.07.2022:-

“In the light of the affidavit dated 11.07.2022 (Annexure A-1), which has been filed by the Authorized Signatory of the appellant-Company, wherein it has been stated that the cumulative sum of Rs. 18,20,440/- will be deposited in four instalments. It has further been stated that the last instalment of Rs. 4,55,110/- shall become due on 11.08.2022 as per the orders of the learned Additional Sessions Judge-cum-Presiding Officer, Commercial Court, Gurugram. With this 75% of the

amount, which has to be deposited as per the order dated 09.03.2022, the said order would stand complied with.

Let dasti notice be issued to the respondent in the applications as well as in the main appeal, for 09.08.2022.

In the meanwhile, the warrants issued against the Director of the appellant-Company shall be kept in abeyance provided the appellant-Company deposits the total four instalments, as has been stated above, within a period of one week from today.”

3. Learned counsel for the appellant has produced before the Court subsequent order dated 18.10.2022 of the Commercial Court, Gurugram, which records that in terms of the orders dated 20.07.2022, passed by this Court, 75% of the awarded amount has been deposited by the appellants before the Commercial Court. This amount has also been released to the decree-holder. The said order is taken on record, and Registry is directed to tag the same at the appropriate place in the case file.

4. Learned counsel for the appellants submits that once the deposit of 75% of the awarded amount has been made in terms of the provisions of the MSME Act, the objections filed by the appellants under Section 34 of the Arbitration and Conciliation Act, 1996 (for short “the Act of 1996”) ought to have been considered on merits by the Commercial Court concerned.

5. None appears for the respondents when the matter is taken up.

6. The facts reveal that the only ground on which the appellant’s objections under Section 34 of the Act of 1996 were not considered was the non-deposit of 75% of the awarded amount in terms of the provisions of the MSME Act. This Court, while entertaining the appeal, had permitted the

appellants to deposit such amount. Order passed by the Commercial Court, Gurugram, would clearly show that the requisite amount constituted 75% of the awarded claim, has been deposited before the Commercial Court by the appellant. This amount apparently has been released to the decree-holder as well. Once that is the position, we are of the view that the objections of the appellants filed under Section 34 of the Act of 1996, ought to be directed to be considered in accordance with law.

7. In such view of the matter, this appeal succeeds and is allowed. The judgment dated 11.04.2022, passed by the Exclusive Commercial Court, Gurugram stands quashed. The Commercial Court shall examine the objections of the appellant, after affording an opportunity to the respondent and proceed to dispose of the matter at its earliest convenience.

8. All pending applications in this case, if any, are disposed of accordingly.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

November 3, 2025
Ess Kay

Whether speaking / reasoned	:	Yes	/	No
Whether Reportable	:	Yes	/	No