

20.02.2026
Court No.13
Item No.1
pk

AO(COM) 5 of 2026

M/s. V-Bro Engineering Services
Vs.
The Union of India

Mr. Bhaskar Roy,
Ms. Debangana Dey

...for the appellant.

1. Despite service of notice, respondent is not represented.
2. Copies of e mail served prior to mention and thereafter prior to listing of the matter are taken on record.
3. The instant appeal is directed against order dated 09.01.2026 passed by the learned Judge, Commercial Court at Asansol in Misc. Execution Case (Commercial) No. 02 of 2025.
4. It appears that the application for execution of award dated 9th July, 2024 was first taken up by the Trial Court on 19th June, 2025. Despite a lapse of more than six months the application is still pending without notice.
5. The learned counsel for the appellant relies upon a decision of the Supreme Court in the case of **Periyammal (Dead) through Legal representatives and others Vs. V. Rajamani and another** reported in **(2025) 9 SCC 568** particularly paragraph 42.12 thereof. The Supreme Court has reiterated its earlier

decision in the case of **Rahul S. Shah Vs. Jinendra Kumar Gandhi** reported in **(2021) 6 SCC 418** and has cited with approval paragraph 75 the directions in paragraph 42 of the decision in the case of Rahul S. Shah (supra). At paragraph 42.12 of the judgment in the case of Periyammal (supra) it was directed that execution proceeding must be disposed of within six months from the date of filing. It may be extended only by recording reasons in writing for delay.

6. While it is true that the observations in the Supreme Court may have been the context of the facts of the case of Periyammal (supra) and Rahul S. Shah (supra), this Court notes the inordinate delay on the part of the Trial Judge even in issuing notice to the award-debtors.
7. This Court directs notice of execution application be served on the award debtors by the appellant within a week from the date. The award-debtors shall thereafter as per the decision of the Trial Judge, inter alia, shall secure the quantum of award and/or file affidavit of assets as the case may be.
8. The Trial Judge shall expeditiously take up the said Misc. Execution application and try to dispose of the same in terms of the directions of the Supreme Court referred to herein above.
9. With the aforesaid observations, AO-COM 5 of 2026 is disposed of.
10. There will be no order as to costs.

11. All parties shall act on the server copy of this order
duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Md. Shabbar Rashidi, J.)