Neutral Citation No. (2026:JHHC:32406-DB)

IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. No. 1102 of 2026

M/s Supreme BKB Deco JV (Joint Venture Entity), having its Head Office at Surya Auto Campus, Dhansar, P.O. & P.S. Dhansar, District Dhanbad, PIN-828106 (Jharkhand), through its Authorized Signatory namely, Mukesh Kumar Singh, aged about 47 years, son of Shiv Nandan Prasad Singh, resident of House No.191 A6, Morabadi, P.O. R.M.C.H., P.S. Bariatu, District Ranchi, PIN-834009 (Jharkhand)

... ... **Petitioner**

Versus

1. RITES Limited, through the Chairman-cum-Managing Director, having its office at Scope Minar, P.O. & P.S. Laxminagar, District Delhi, PIN-110092, having its Corporate Office at Rites Bhawan, Plot No.1, Sector 29, P.O. & P.S. Sector-29, District Gurgaon.
2. Damodar Vally Corporation, through its Chairman, having its office at DVC Towers, VIP Road, Kolkata, P.O. & P.S. Ultadanga, District Kolkata, PIN-700054 (West Bengal)

.... **.... ...** **Respondents**

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MANOJ PRASAD

For the Petitioner : Mr Sumeet Gadodia, Advocate
Mr Anish Lal, Advocate
For the Respondents : Mr Srijit Chaudhary, Advocate
Ms Khalida Haya Rashmi, Advocate
Mr Ayush Kumar, Advocate

Order No.03/ Dated: 04.11.2026
***Per* : M.S. Sonak, C.J.**

1. Heard learned counsel for the parties.

2. The rule is made returnable immediately with the consent and at the request of the learned counsel for the parties.

3. The petitioner seeks expeditious disposal of Commercial Execution Case No.03 of 2026 pending before the Commercial Court at Ranchi for execution of arbitral award dated 06.08.2025.

4. Mr Gadodia, the learned counsel for the petitioner, contends that the respondents have filed an application under Section 34 of the Arbitration and Conciliation Act, 1996 (said Act) to challenge the arbitral award dated 06.08.2025. However, to date, the office objections remain uncleared. He points out that no stay has been granted by the Commercial Court. He submitted that since no stay has been granted, the execution proceedings must proceed, given the decisions of the Hon'ble Supreme Court in the cases of ***Rahul S. Shah Vs. Jitendra Kumar Gandhi*** reported in ***(2021) 6 SCC 418, Chopra Fabricators & Manufacturers Pvt. Ltd. Vs. Bharat Pumps and Compressors Limited and another*** reported in ***(2023) 3 SCC 534*** and ***Bhoj Raj Garg Vs. Goyal Education and Welfare Society & Others*** reported in ***(2022) SCC OnLine SC 2449*** and other matters.

5. Mr Srijit Choudhary, appearing with Ms Khalida Haya Rashmi for the respondents, submitted that no application has been filed by the petitioner with the Executing Court seeking expeditious disposal of the execution proceedings. They pointed out that the petition under Section 34 of the said Act seeks a stay. They further pointed out that the objections remain unaddressed for reasons beyond the respondents' control. Accordingly, they submitted that this petition should be dismissed.

6. The rival contentions now fall for our determination.

7. The award of which execution is applied for was made on 06.08.2025. The execution was applied for on 7th April 2026. From what is placed before us, it appears that the execution is not proceeding at the required pace.

8. Merely because a Section 34 application is filed by the respondents or an application for stay on the execution of the arbitral award is filed by the respondents, as long as no stay is granted, the Executing Court should not delay the execution proceedings. Mere pendency of a Section 34 application does not operate as an automatic stay on the execution of the arbitral award. This position has been clarified both legislatively and by precedents.

9. In ***Rahul S. Shah (supra),*** the Hon'ble Supreme Court has held that the Executing Court must dispose of execution proceedings within six months from the date of their filing, which may be extended only by recording reasons in writing for the delay.

10. In ***Chopra Fabricators*** (***supra***), the Hon'ble Supreme Court emphasised the need to dispose of execution cases expeditiously, especially in relation to arbitral awards.

11. Even the other decisions cited by Mr Gadodia repeat and reiterate that there should be no delay in disposal of execution proceedings and such execution proceedings must be disposed of within six months from the date of filing unless there are unavoidable reasons, which, again, should be recorded in writing.

12. The record in this case shows that the Executing Court has tagged Commercial Execution Case No.03 of 2026 and the respondents' application under Section 34 of the said Act together, and the matter is being adjourned because the respondents have not yet cleared the defects pointed out by the Registry in the Section 34 application. This is not proper. The respondents must take all necessary steps to move the Commercial Court and obtain interim reliefs, if entitled, whether conditionally or unconditionally.

13. However, if no interim relief is obtained and execution of the award is not stayed, the Executing Court cannot defeat the Hon'ble Supreme Court's repeated directions by clubbing two matters.

14. The Learned counsel for the respondents surprisingly wish to argue on the defects pointed out by the Registry by contending that there are no defects at all or that the Registry of the Court is itself to be blamed.

15. We have been shown the records as reflected on the Commercial Court website. The record shows that for the last twelve dates, the matter has been adjourned for removal of defects. Therefore, based on such submissions, the respondents cannot be allowed to delay the execution proceedings.

16. If, as the respondents contend, the office objections cannot be cleared by them for reasons beyond their control, they must apply to the Commercial Court for a waiver of such office objections. However, the respondents cannot resist the execution proceedings

and, on the other hand, fail to clear the office objections and secure a stay on execution of the arbitral award.

17. Considering the above circumstances and the decisions of the Hon'ble Supreme Court regarding expeditious disposal of the execution proceedings within six months from the date of their institution, we direct the Executing Court to dispose of Commercial Execution Case No. 03 of 2026 as expeditiously as possible and in any event, within three months from today, unless, of course, in the meantime, the execution of the arbitral award is stayed.

18. This C.M.P. is disposed of in the above terms without any order for costs.

(M. S. Sonak, C.J.)

(Manoj Prasad, J.)

November 4th , 2026
BS/Madhav/-