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

CR-7890-2025

Date of decision: 23.01.2026

M/S AGGARWAL SONS

...Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

...Respondent(s)

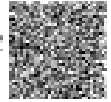
CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Aman Kashyap, Advocate,
Mr. Aarush Kashyap, Advocate and
Ms. Alka Kashyap, Advocate
for the petitioner.

Ms. Neha Sharma, Advocate
for the respondents.
(Through Video Conferencing)

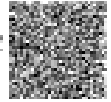
JASGURPREET SINGH PURI, J. (Oral)

1. The present Civil Revision Petition has been filed under Article 227 of the Constitution of India seeking modification of the order dated 03.10.2025 (Annexure P-1) passed by the learned Additional District Judge, Chandigarh in Execution Application/Petition No.412 of 2024, by setting aside/removing the condition imposed by the learned Executing Court to release the amount deposited by the respondents herein subject to furnishing bank guarantee equivalent to the deposited amount and also to restrain the respondents from withdrawing the deposited amount from the learned Executing Court.



2. Learned counsel for the petitioner submitted that the petitioner is the decree holder and respondents are the judgment debtor. He submitted that the objections filed by the respondents under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') were dismissed. He further submitted that thereafter, the respondents filed an appeal under Section 37 of the Act, which is pending before this Court but no interim order has been passed in the said appeal. He further submitted that in the execution filed by the petitioner against the respondents, the learned Executing Court by way of the impugned order dated 03.10.2025 (Annexure P-1) directed the release of the deposited amount, subject to furnishing of bank guarantee equivalent to the deposited amount.

3. Learned counsel for the petitioner further submitted that the aforesaid onerous condition, which has been imposed by the learned Executing Court is not in accordance with law and it is only to that limited extent that the impugned order has been challenged before this Court. He further submitted that since the objections filed by the respondents under Section 34 of the Act have already been dismissed and no interim order has been passed by any Court, including this Court where the appeal against the order of dismissal of the said objections is pending, the learned Executing Court could not have passed such an order as it is only to execute the award and cannot go beyond the award and no such condition can be imposed by the learned Executing Court. He submitted that it is only when an interim order is passed by the Appellate Court or by the Court hearing the objections under Section 34 of the Act in exercise of its powers under Section 36(2) of the Act that the learned

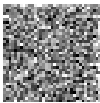


Executing Court is bound by the interim order, if any, passed but in the present case, no such interim order has been passed by any Court and therefore, it was the duty of the learned Executing Court to have executed the award in its entirety without imposing any onerous condition, which is bad in law. He also submitted that the aforesaid condition, to the aforesaid limited extent, may be deleted and order may be modified accordingly.

4. On the other hand, Ms. Neha Sharma, learned counsel for the respondents, who has joined the proceedings through video conferencing, upon being put a query with regard to the aforesaid submissions made by the learned counsel for the petitioner, could not controvert the same.

5. I have heard the learned counsels for the parties and perused the impugned order dated 03.10.2025 (Annexure P-1) passed by the learned Additional District Judge, Chandigarh.

6. The factual position with regard to the award having attained finality after the dismissal of the objections under Section 34 of the Act and the fact that no interim order has been passed by the Appellate Court under Section 37 of the Act is undisputed and in view of the aforesaid position, this Court is of the considered view that the learned Executing Court could not have imposed the onerous condition of furnishing bank guarantee. In the absence of any interim order in appeal, the learned Executing Court is required to execute the decree without imposing any such onerous condition. During the course of arguments, learned counsel for the petitioner referred to the judgments passed by Bombay High Court in **Vilas Sumersing Patil versus Special Land Acquisition Officer and another, Writ Petition No.2381 of 2011**, decided on



28.07.2011, Vishnu versus The State of Maharashtra, Writ Petition No.466 of 2014, decided on 18.01.2014 and Deelip versus The Special Land Acquisition Officer and another, Writ Petition No.8377 of 2012, decided on 06.05.2013 in this regard.

7. In view of the aforesaid facts and circumstances, the present Civil Revision Petition is allowed. The condition imposed by the learned Executing Court/Additional District Judge, Chandigarh vide impugned order dated 03.10.2025 (Annexure P-1), to the extent of directing the petitioner to furnish bank guarantee for release of the amount, is hereby set aside.

23.01.2026
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No