



2026:DHC:4447



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 18.05.2026

+ **OMP (ENF.) (COMM.) 79/2019**

M/S UTTAR PRADESH RAJKIYA NIRMAN NIGAM LTD

.....Decree Holder

Through: Mr. Prashanto Sen, Sr. Adv.
with Mr. Mrinal Bharti, Mr.
Manish Kumar Shekhari, Mr.
Shivank Pratap Singh & Mr.
Samyak Jain, Advs.

versus

EMPLOYEES' STATE INSURANCE CORPORATION

.....Judgement Debtor

Through: Mr. S. Wasim A. Qadri, Sr.
Adv. with Mr. Tamim Qadri &
Mr. Saeed Qadri, Advs.

CORAM:

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

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JUDGEMENT (ORAL)

1. The present Petition has been filed under Section 36 of the Arbitration and Conciliation Act, 1996, read with Order XXI of the Code of Civil Procedure, 1908, seeking the enforcement of Domestic Award dated 10.03.2017 passed by the learned Sole Arbitrator.
2. This matter has been heard at considerable length on various occasions.
3. It is noted that the only objection sought to be urged by the

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learned Senior Counsel on behalf of the Judgment Debtor, with respect to the payment of the cess amount, is that the said cess amount was not actually paid by the Decree Holder himself.

4. However, subsequent to the submissions advanced on behalf of parties on various dates, this Court had requested the learned Senior Counsel appearing for the Judgment Debtor to take instructions as to the time that would be required for ensuring payment of the awarded amount.

5. Learned Senior Counsel appearing for the Judgement Debtor, today, on instructions and placing reliance upon the Affidavit dated 23.04.2025, submits that there is no dispute either with regard to the computation of the cess amount or of the factum of payment having been made to the account of the Labour Welfare Board.

6. He further submits that the amount paid towards cess was not actually paid by the Decree Holder/Petitioner himself.

7. This Court takes note of the fact that, admittedly, the very ground on which objections are now sought to be raised in the execution proceedings was also one of the primary grounds urged by the Judgment Debtor while challenging the Award.

8. The Petition filed under Section 34 of the Act challenging the Award has since been dismissed in favour of the Decree Holder herein.

9. This Court is therefore of the view that the very same ground, having already been rejected in proceedings under Section 34 of the Act, cannot constitute a valid objection to the enforcement of the Award sought to be executed herein.

10. In view thereof, and upon the undertaking given by the learned

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Senior counsel for the Judgement Debtor, on instructions, this Court directs that the awarded amount be paid within a period of three (03) months from today to the Decree Holder.

11. This Court is of the view that the present matter need not engage the attention of this Court any further.

12. The undertaking furnished by the learned Senior Counsel for the Judgment Debtor, on instructions, is taken on record, and the Judgment Debtor shall remain bound by the same.

13. Accordingly, the present Petition, along with all pending Application(s), if any, stands disposed of. However, the parties shall be at liberty to prefer revival thereof or to file any such application as may be available to them under law, in the event of any breach of the undertaking.

HARISH VAIDYANATHAN SHANKAR, J.
MAY 18, 2026/ v/va/m

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