

**IN THE COURT OF SH. PULASTYA PRAMACHALA
DISTRICT JUDGE, (COMMERCIAL COURT)-01,
PATIALA HOUSE COURT, NEW DELHI**

Ex. 81/2021

In the matter of: -

M/s. B.B. Construction

12, Naya Ganj, Khurja-203131,
District Bulandshahar, U.P.

...Award Holder

Versus

Union of India

Through Dy. CE/Construction,
Moradabad, Northern Railway.

Also through:

The General Manager,
Northern Railway, Baroda House,
New Delhi-110001.

...Award Debtor

Date of pronouncement of order : 24.09.2025

ORDER

1. Vide this order, I shall decide application dated 29.12.2021 filed u/s. 151 CPC on behalf of Award Debtor. Through this application, applicant sought recalling of order dated 22.11.2021 and at the same time prayed for dismissal of this execution petition. The past ordersheets of the case show that warrant of attachment was issued vide order dated 22.11.2021. However, subsequently FDR of the arbitral amount was furnished on the record from the side of Award Debtor/applicant. Hence, the only issue left to be determined, is about dismissal of this execution petition.

2. Several grounds have been mentioned in the application raising objection against Award in question. However, it is worth to mention here that a petition filed by applicant u/s. 34 of Arbitration & Conciliation Act based on same grounds, was already dismissed and the first appeal against that dismissal order was also dismissed by Hon'ble High Court of Delhi.
3. Therefore, only ground raised on behalf of applicant relates to absence of payment of stamp duty over Award in question by the petitioner herein. The undisputed fact is that the petitioner herein has not paid stamp duty as required in law and present execution petition has been filed on the basis of insufficiently stamped Award.
4. In my opinion, the execution petition should not be dismissed unless petitioner herein refuses or fails to pay the stamp duty applicable thereon, despite giving opportunity. Ld. counsel for petitioner submitted that Award may be sent to the Collector for the purpose of levying the stamp duty with penalty. It is worth to mention here that the Award is being sought to be executed by petitioner herein and it was duty of the petitioner to ensure payment of requisite stamp duty, before applying for execution of this Award.
5. Therefore, the original Award as placed on the record, be returned to the petitioner and it shall be duty of the petitioner to submit the same before Collector for Stamp for the purpose of levying the stamp duty along with penalty in accordance with law. Petitioner/Award Holder is given time period of maximum three months to make payment of the requisite stamp duty with

penalty, if any, as levied by Collector of Stamp (subject to any other time line fixed by Collector) and to re-submit the Award before this court with sufficient stamp. It is further directed that petitioner herein must ensure to take the original Award from the record of this case and to present it before Collector of stamps up to 15.10.2025. The period of three months shall be counted from 15.10.2025 for re-submission of duly stamped Award. Accordingly, application is rejected at this stage.

Pronounced in the (PULASTYA PRAMACHALA)
Open Court on this District Judge (Commercial Court)-01,
24th day of September, 2025 Patiala House Court, New Delhi