

Execution of Arbitral Award/6/2023

ECI-KEYSTONE(JV)

Vs

The Superintending Engineer, National Highway Circle,
PWD, Government of Chhattisgarh

22.05.2026

Mr. Shishir Bhandarkar, Mr. Purvesh Buttan, Mr. Pushkar Bhandarkar Ld. Advocates for award-holder.

Mr. Rahul Tamaskar, Ld. Advocate for award-debtor along with Mr. Vijay Kumar Bhatpahari, Engineer-in-Chief, PWD, Mr. Gyaneshwar Kashyap, Chief Engineer, PWD and Mr. Surendra Singh Manjhi, Superintending Engineer (OIC), PWD.

Mr. Rahul Tamaskar filed vakalatnama on behalf of award-debtor.

Mr. Rishabh Garg, Ld. Advocate for award-debtor has also joined the proceedings through video conferencing.

The matter is fixed for filing of additional affidavits and further proceedings.

The affidavits of Mr. Vijay Kumar Bhatpahari, Engineer-in-Chief, PWD, Mr. Gyaneshwar Kashyap, Chief Engineer, PWD and Mr. Surendra Singh Manjhi, Superintending Engineer have been placed on record.

Copies supplied to the Counsel for award-holder.

At the outset, by drawing attention to the contents of these additional affidavits as also to the bank statements enclosed with the affidavit of the Superintending Engineer, the Ld. Counsel for award-holder has strongly argued that the deponents have miserably failed to comply with this Court's instructions and continue to disobey this Court's specific directions as regards furnishing all the requisite details of the bank accounts to facilitate swift payment of award amount.

Mr. Tamaskar, the Ld. Counsel for award-debtor has submitted that the departmental authorities are taking all the requisite steps to ensure expeditious payment of award amount. He submits that unlike any private entity, being a governmental set up certain procedural sanctions and approvals are mandatorily required, and appropriate steps have been set afoot in this regard.

In view of above submission, on being enquired by the Court of the possible timeframe within which the payment of award amount is likely to be ensured, Mr. Tamaskar submitted that within a period of four weeks, all requisite approvals are likely to be obtained and payment ensured to the award-holder.

The Ld. Counsel for award-holder drew attention of the Court towards the copies of bank account statements as enclosed by the award-debtor and argued that the award-debtor has brazenly mentioned details of inactive/dysfunctional bank accounts, and not come up with the actual and functional accounts wherefrom the payment can easily be ensured.

He also filed a copy of budget allocation of Chhattisgarh Government for the year 2026-27 and submitted that a huge amount of budget stands allocated to the PWD and payment of award amount can easily be ensured therefrom. However, the authorities/ officials concerned are showing scant regard to public exchequer and not being diligent or concerned enough to ensure the payment. He also submitted that in view of such lackadaisical and nonchalant attitude of authorities/officials concerned, this Court may as well please to fix the responsibility of such officials concerned *qua* the interest on award amount that is going to be accrued henceforth.

Going by the overall conduct as displayed on the part of officials of PWD, this Court strongly feels inclined towards issuing a direction fixing financial accountability of the concerned officials of the PWD *qua* further interest likely to be accrued on the award amount.

At this stage, on being enquired, Mr. Vijay Kumar Bhatpahari, Engineer-in-Chief, PWD, Raipur, submitted that the budget allocated to the PWD is designed to be disbursed as per requisite sanctions/approvals obtained from the government. He, however, states that if there is any specific direction of this Court as regards payment of award amount, being bound by such an order of the Court, he shall have to comply with the same and make the payment to the award-holder.

In view of above categorical statement of Mr. Bhatpahari, Engineer-in-Chief, PWD, Raipur, this Court has reason to believe that the payment of award amount can be expeditiously ensured, without any further delay. Once armed with this Court's specific direction in this regard, Mr. Bhatpahari states to ensure payment of award amount at once.

Therefore, in these circumstances, keeping in mind the already accrued huge amount of interest in the vicinity of rupees 4.5 crores from the date of award having attained finality in terms of Hon'ble Supreme Court's order dated 10/02/2026, to avoid further wastage of the public exchequer, Mr. Bhatpahari, Engineer-in-Chief, PWD, Raipur is directed to ensure immediate payment of award amount to the award-holder.

It is made clear that if the amount is not paid swiftly and further wastage of public exchequer is allowed to take place, this Court will pass appropriate orders fixing personal financial responsibility of the officials of PWD for the amount of interest accrued henceforth.

Matter be placed for follow-up action and further proceedings on **01.06.2026**.

(Pankaj Sharma)
Judge
Commercial Court (District Judge Level)
Nava Raipur Atal Nagar, Distt. Raipur,
Chhattisgarh