

23 Execution (Comm.) 208/24

**M/S ATC FOODS PRIVATE LIMITED Vs. UNION OF INDIA
AND OTHERS**

22.01.2026 (At 11:58 AM)

Present: Ms. Mahima Misra and Sh. Aditya Dev Sharma, Id.
counsels for AH.
Ms. Ruby and Sh. Shahkaar Alam, Id. counsels for AD
with Sh. Sanjeev Kumar, Dy. Director, Ministry of
Defence.

1. This Execution Petition is pending since the year 2024. On last date of hearing, time was sought to make arguments on the objections. At the same time, it is also mentioned by Id. counsel for AD that one petition u/s 34 of the Arbitration Act was also filed by AD bearing OMP (COMM) 245/24, wherein vide order dt. 28.03.2025, court had passed order for stay over the operation of award in question subject to certain condition.

2. Admittedly, that condition has not been fulfilled by the AD so far, and therefore, there is no stay over the operation of award in question. I have gone through the objection filed on behalf of AD dt. 26.03.2025. Id. counsel for AD submits that she has gone through this objection, which was filed by previous counsel and she has nothing to submit on this objection. This objection simply says that AD was hopeful that award in question would be set aside being void ab initio, and in case this Execution is allowed, the AD shall suffer irreparable loss. A reference of petition u/s 34 of the Act has also been made in this objection with reference to the stay application and prayer has been made not to issue Warrant of Attachment and not to give any direction to AD for payment of awarded amount.

3. Objection u/s 47 of CPC can be entertained against any decree. However, there is very limited scope for interference with such decree. Since an award is executed like a decree, the objection is maintainable provided that it establishes the grounds available to challenge the execution of award in question.

4. Recently, in the case of **Electro Steel Ltd. vs. Ispat Carrier Pvt. Ltd. (2025) 7 SCC 773**, Hon'ble Supreme Court reiterated and recognised the law that objection against award in execution proceedings can be maintained, but on very limited grounds going into the question of jurisdictional issue. The aforesaid objection does not divulge any such fact or law in respect of award in question, which can have the effect to show that the award in question was passed without any jurisdiction or to show that it is void ab initio. Simply by mentioning/pleading in the objection that award is void ab initio, it cannot be so presumed by the court. In these circumstances, objections are dismissed and a cost of Rs. 30,000/- is imposed upon the AD department for causing delay in these proceedings so far.

5. It is at the cost of repetition to reiterate that AD has not opted to comply with the directions for stay over the operation of award in question. In that situation, the AD has to furnish complete awarded amount including interest component in the present proceedings.

6. Last and final opportunity is given to voluntarily tender such amount in the form of FDR and AR of AD department shall file affidavit giving calculation of the amount. It is further made clear that no further opportunity shall be granted either for tendering aforesaid FDR, or for tendering the cost imposed today, and in case of failure or

ignorance of such directions, the court shall be compelled to take coercive action.

7. Copy of this order be given dasti to AR of AD department and it shall be placed before Head of Department by Mr. Sanjeev Kumar.

8. Put up on **16.03.2026**.

Pulastya Pramachala
District Judge (Commercial Court)-01
Patiala House Court, New Delhi.
22.01.2026