

Received on : 22/12/2025
Registered on : 22/12/2025
Decided on : 16/06/2026
Duration : DD-MM-YY

Exhibit :

**BEFORE THE HON'BLE 4TH ADDITIONAL
DISTRICT JUDGE, AT BHAVNAGAR.**

Execution Regular No. 8/2025.

Applicant : M/s. Sitaram Construction,
(Award Holder) A proprietary concern of
Shri Hitendrasinh Gambhirsinh Zala,
Address: A-204, Leela Efcee,
Near Akshwarwadi, Waghawadi Road,
Bhavnagar.

Versus

Respondents : (1) To be served through
(Judgment Debtor) The President / D.D.O.,
Bhavnagar.

(2) The Executive Engineer,
Panchayat and R & B Division,
Bhavnagar – 364001.

Appearance:

Mr. B. A. Shekh, learned Advocate for the applicant.

Mr. P. L. Sonpal, learned Advocate for the respondents.

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JUDGMENT

01. While invoking the provisions of **Order XXI, Rule 11** of the **Civil Procedure Code, 1908** (“Code” for short), the applicant has preferred the present execution for recovery of

award amount with interest pursuant to the award passed by the learned Sole Arbitrator, Former Judge, Hon'ble Gujarat High Court in Arbitration Petition no.58/2015, dated 04.08.2016, whereby the Sole Arbitrator was pleased to allow the claim petition of the claimant except the interest part, holding therein that the claimant is entitled to claim amount of Rs.1,00,77,361/- from the respondents with interest @ 10% from the date of present petition till the realisation. Further, the respondents were directed to refund (release) of the bank guarantee of Rs.11,34,000/- and Rs.5,67,000/- and the claim for damages as claimed by the respondents to the tune of Rs.90,04,515/08 was dismissed.

02. Against the aforementioned award of the learned Sole Arbitrator, the present respondents had preferred R/First Appeal No.5363/2019 before the Hon'ble Gujarat High Court and the Hon'ble Gujarat High Court vide order dated 15.09.2025 pleased to dismiss the appeal of the appellants (present respondents).
03. It further depicts from the IA order, dated 02.12.2025 passed by the Hon'ble Gujarat High Court, wherein the application preferred by the present applicant for disbursement of the awarded amount, deposited with the Registry under the interim order passed by the Hon'ble Gujarat High Court was turned down and further directed as under :-

7. *However, the Registry is directed to transmit the deposited amount to the competent Court which may have*

jurisdiction to enforce the award in accordance with the provisions of Section 37 of the Act, 1996 r/w Code of Civil Procedure, 1908.

8. It would be open for the applicant to seek enforcement by moving a proper application. The dismissal of the present application will not come in the way of the applicant/original respondent in seeking enforcement of the award in accordance with law.

04. Learned Advocate for the applicant submitted an application at Ex.6 and thereby submitted that the respondents have deposited the amount as claimed by them and, therefore, it is prayed to pass necessary order for payment of such amount. This Court has directed the Nazir, District Court, Bhavnagar to verify and report the same. The Nazir, District Court, Bhavnagar has submitted his report dated 17.01.2026 by stating therein that no amount in the custody of the Branch in respect of Execution R No.8/2025. However, pursuant to the order passed by the Hon'ble Gujarat High Court in H.C.M.C.A. (F.A. No.5363/2019) & M.C.A. No.1/2025, fixed deposit of Rs.1,94,14,935/- has been made for Sitaram Construction, which is in custody. This Court has further ordered Nazir to make detailed report after encashment of the fixed deposit and pursuant to the same, the Nazir, District Court, Bhavnagar has submitted his report (Ex.6) on 09.06.2026 that an amount of Rs.1,97,05,361/- is lying after the fixed deposit is encashed.

05. The respondents have submitted their objections at Ex.12 contending, *inter alia*, that they have sought confirmation from the R & B Department for acceptance of the Award and therefore, it is prayed that till the final confirmation from the higher authority, the amount of award may not be disbursed.
06. Learned Advocate for the applicant has submitted pursis at Ex.13 and thereby submitted that interest on the awarded amount was calculated upto 16.12.2025, which is Rs.1,88,95,051/- and on the said amount, interest for another four months is required to be included – which comes to Rs.4,03,094/44 Ps. and the aggregate amount comes to Rs.1,92,98,145/- and the applicant is entitled to recover such amount. Hence, by way of this pursis, the applicant has declared that they are entitled to recover Rs.1,92,98,245/-.
07. Heard learned Advocate Mr. B.A. Shekh for the applicant and learned Advocate Mr. P.L. Sonpal for the respondents.
08. The applicant has filed this execution petition under Order XXI Rule 11 of the Code, seeking enforcement of the Arbitral Award, dated 04.08.2016 passed in Arbitration Petition No.58/2015 by the Sole Arbitrator, which has been confirmed by the Hon'ble Gujarat High Court by dismissing of the First Appeal No.5363/2019 on 15.09.2025, preferred by the present respondents by awarding Rs.1,00,77,361/- with 10% interest from the date of the petition till

realization, along with release of bank guarantees. Thereafter, directions in IA order, dated 02.12.2025 were also issued by the Hon'ble Gujarat High Court, whereby it has been directed to transmit the deposited amount to the competent Court which may have jurisdiction to enforce the award in accordance with the provisions of Section 37 of the Act, 1996 r/w/ Code of Civil procedure, 1908. Moreover, as per the report of the Nazir, District Court, Bhavnagar, it confirms that an amount of Rs.1,94,14,935/- is lying in custody by way of fixed deposit pursuant to the Order passed by the Hon'ble Gujarat High Court in First Appeal No.5363/2019 and the said amount is suffice to satisfy the updated claim of Rs.1,92,98,245/- (principal + interest upto 16.04.2026) stated in pursis Ex.13. The Nazir, District Court, Bhavnagar has made further report on 09.06.2026 pursuant to the order passed by this Court that the amount of Rs.1,97,05,361/- is lying after encashment of Fixed Deposit and entry to this effect is made in 'C' register vide entry No.46/2026. So far as the additional interest claimed by the applicant is concerned, it is argued by the respondents that they have deposited the amount within the stipulated time and, therefore, no additional interest is required to be paid to the applicant. Considering the argument advanced on behalf of the parties, it depicts that the respondent pursuant to the order passed by the Hon'ble High Court as stated hereinabove, has deposited the amount of award of Rs.1,94,14,935/-, which is over and above the amount of award claimed by the applicant in his application and since

the respondent has deposited the awarded amount within time as depicts from the record, the applicant is entitled to claim additional interest and, therefore, the argument advanced on behalf of the applicant *qua* claiming additional interest on the awarded amount found lack of merits.

09. Though the respondents have raised written objections at Ex.12 and thereby submitted that pending Departmental confirmation, the award amount may not be disbursed. However, in the opinion of this Court, the objections raised by the respondents found to be lack merit and not maintainable at the stage of execution of the Award as the same has been confirmed by the Hon'ble Gujarat High Court. In the opinion of this Court, no confirmation from the Higher Authority now remains to be awaited by this Court and this Court finds that the Award stands final and executable and at this juncture, no stay is in operation. Hence, I pass the following order :-

:: ORDER ::

- (1) The present **Execution Regular No.8/2025** stands **partly allowed**.
- (2) The amount of **Rs.1,88,95,052/- (rounded off)** be paid to the applicant.
- (3) The remaining excess amount along with interest thereon (along with further interest, if any) be ordered

to be returned / paid to the judgment debtor.

(4) Costs in the cause.

Pronounced in the Open Court today i.e. on this 16th
Day of **June, 2026** at **Bhavnagar**.

(MS. HETAL SURESHCHANDRA DAVE)
4TH ADDITIONAL DISTRICT JUDGE,
BHAVNAGAR.
UI CODE NO.GJ00693

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