

CNR-MHAK020032532025 	Arb. RD No.594/2025 Pramod Agrawal ..V/s.. Competent Authority
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Order Below Exh. 9

This objection filed by J.D. No.2/Project Director National Highway. According to J.D.No.2, the instant execution proceeding is not maintainable in his present form for want of appeal preferred by them. According to them, this J.D. has preferred an appeal against the arbitration order before Hon'ble District Court and till decision of the same the instant execution proceeding is not maintainable. It is contention of the J.D.No.2 that, before the Arbitrator this D.H. has not filed relevant documents for enhancing his claim, and also not filed regarding the rate of the land. This J.D. has contested the claim of D.H. before the arbitration proceeding however, Arbitrator has not taken into consideration the stand taken by J.D.No.2 and pass the Award, which can be set aside in the appeal.

2. The D.H. has filed their reply vide Exh.11. According to D.H. mere filing of appeal can not operate as a stay to the instant proceeding. The scope of the intervention under Section 34 against the arbitral Award is very limited and therefore, the instant execution is maintainable in view of judgment of Hon'ble Supreme

Court *Ssangyong Engineering and Construction Company ..V/s.. NHAI* [(2019) 15 SCC 131].

3. It is needless to say that, mere filing of an appeal can not be a ground to stay the execution proceeding. Moreover, raising grounds in the execution proceeding, which has been taken by present J.D. No.2 before the arbitration proceeding are not maintainable in the execution proceeding. The limited scope available to the executing Court, to execute the Decree or Award in its existing form. The executing Court can not go beyond the Decree or Award and can not decide the objection raised by judgment debtor in this regard. Therefore, I found no substance in the objection raised by J.D. No.2 and for want of stay by appellate forum, the instant proceeding is maintainable and award is executable. Hence, objection is rejected and Decree Holder is directed to proceed with the execution.

Date 07.08.2026
Akola.

(V. K. Umale)
Jt. Civil Judge (Sr. Dn.)
Akola.

CERTIFICATE

I affirm that the contents of this P.D.F. File Order/Judgment are same, word to word, as per the original Judgment/Order.

Name of the Steno	Nayum K. Shah
Name of the Court	Jt. Civil Judge Sr. Dn. & Addl. Chief Judicial Magistrate, Akola.
Date of Order & Judgment	07.08.2026
Order/Judgment Signed by the P.O. on	07.08.2026
Order/Judgment uploaded on	07.08.2026