

Execution (Comm.) 146/26

JAINCO BUILDCON PVT. LTD. Vs. DELHI JAL BOARD

29.05.2026

Present: Sh. R.D. Sharma, Counsel for the DH. (*through VC*)
Sh. Naresh Sharma, Counsel for the JD alongwith
Sh. Pritam Singh, EE-XIV and Sh. Manish, AE.

1. Matter is today fixed for filing of affidavit on behalf of the JD that all the objections have been removed and despite that appeal has not been listed yet.
2. No such affidavit has been filed till date.
3. Hard copy of an application on behalf of the JD for waiving off the costs alongwith supporting affidavit, copy of emails dated 08.05.2026 & 18.05.2026, Hon'ble High Court Authority letter format and the details in whose favour the payments has to be made in the High Court, have been filed. Advance copy is stated to have already been supplied.
4. Today it is submitted on behalf of the JD that the requisite court fees has not been filed, therefore, the appeal has not been listed yet. It has been further submitted that the matter for payment of requisite court fees is under consideration before the higher officials.
5. In the present matter, the JD has been served on 30.03.2026. On 20.04.2026 i.e. on the next date of hearing, it was stated that appeal is pending before the Hon'ble High Court vide Diary no.157869/2026 which has not been listed yet. Thereafter, matter was listed on 08.05.2026 and it was submitted on behalf of the JD that all the objections have been removed and despite that appeal has not been listed yet and two week's time

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was sought. Thereafter, there was direction to file an affidavit on behalf of the JD that despite removing all the objections, the appeal has not been listed yet. The matter was listed on 18.05.2026 but no such affidavit was filed and matter was adjourned for today on the submission that during the course of the day the affidavit shall be filed failing which a costs of Rs.10,000/- shall be deposited with DLSA, Central with the direction that no further opportunity shall be granted.

6. However, today the present application has been filed with the averment that since court fees has not been filed, appeal could not be listed. This is fresh ground being taken for the first time.

7. It has been submitted on behalf of the DH that in order to delay the execution filed on behalf of the DH, the court fees was not filed intentionally and this ground has been taken knowing well that the Hon'ble High Court is going to be closed for summer vacations and there is no mention that any application for urgent hearing has been filed, therefore, warrants of attachment to attach the bank account of the JD may kindly be issued.

8. In counter submissions on behalf of the JD, it is submitted that necessary steps to deposit the court fees has already been taken and being the Government department, it takes time in approval.

9. Heard.

10. The JD is well aware of the execution proceedings since 30.03.2026 and about more than two months have already

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been passed. The JD is also aware about the deficiency in Court fees since 08.05.2026. The period of about 20 days has already been lapsed but there is no mention that the said court fees has already been deposited and there is only averment that the matter is still pending for approval before the higher officials. This can be no ground for seeking stay upon the execution proceedings without taking appropriate action for last about two months and making incorrect submissions before the Court that despite removal of all the objections, the appeal has not been listed yet. Therefore, this Court is of the opinion that being the Government Department, JD cannot be given numerous opportunities. Being the subordinate Court, the due care has already been given upon the submission made on behalf of JD regarding the pendency of appeal.

11. Thus, it is made clear that if JD has failed to take appropriate steps to make good the court fees and to take appropriate steps for urgent hearing, on the next date of hearing no further opportunity shall be granted and warrants of attachment as per law will be issued.

12. **As prayed, be put up for awaiting of the order in the appeal/ reply/arguments on application on 06.07.2026.**

(Devendra Kumar Sharma)
District Judge (Commercial Court-03)
Central/ THC/ Delhi
29.05.2026