

M/s Tenzin Construction Co. Pvt. Vs. State of Himachal Pradesh

**Ex. Petition No.7 of 2024 with
CARBC No.72 of 2025**

23.03.2026	Present	Ex. Petition No.7 of 2024 Mr. J.S. Bhogal, Senior Advocate with Mr. T.S. Bhogal, Advocate, for the respondent. Mr. S.D. Vasudeva, Deputy Advocate General, for the respondent. CARBC No.72 of 2025 Mr. S.D. Vasudeva, Deputy Advocate General, for the petitioner. Mr. J.S. Bhogal, Senior Advocate with Mr. T.S. Bhogal, Advocate, for the respondent.
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OMP No.105 of 2026 in Ex. Petition No.7 of 2024

By way of instant application filed under Section 151 of the Code of Civil Procedure, prayer has been made on behalf of the applicant/DH for modification of order dated 30.12.2025 passed by this Court in Ex. Petition No.7 of 2024, whereby this Court, while disposing of the afore petition, directed the Registry of this Court to release the award amount lying deposited with it alongwith up-to-date interest in favour of the Decree Holder, subject to its furnishing the bank guarantee of an equal amount to the satisfaction of Registrar General of this Court, with in a period of one month, by remitting the same in its bank account.

Careful perusal of the application as well as documents annexed therewith reveals that since credit score of the applicant is not in the acceptable range of the bank, it may not be possible for the bank concerned to issue bank

guarantee. However, bank vide communication dated 25.02.2026 has clarified that issuance of bank guarantee against 100% cash margin in the shape of FDR is viable, if amount deposited with the High Court, is released in favour of the Punjab National Bank, bank concerned shall be able to issue bank guarantee as per request.

Learned Deputy Advocate General, after having carefully perused communication dated 25.02.2026, fairly states that in case amount is ordered to be released in favour of the bank, non-applicant/respondent shall have no objection for modification of the order, as prayed for. However, till the time bank guarantee is furnished in terms of order dated 30.12.2025, no amount be released in favour of the applicant/ DH.

Mr. J.S. Bhogal, learned Senior Counsel representing the applicant/DH, while referring to communication dated 25.02.2026 (Annexure A-1), states that it is apparent from the aforesaid communication that bank guarantee shall be furnished only after receipt of the amount, if amount is order to be released in favour of the bank and as such, there is no question of releasing money at first instance.

In view of the communication dated 25.02.2026, issued by the Assistant General Manager, Punjab National Bank, Uttam Bhawan, Near 103 Tunnel Shimla, this Court sees no impediment in accepting the prayer made in the application and accordingly, same is allowed and order dated 30.12.2025

passed by this Court in Ex. Petition No.7 of 2024 is modified to the extent that amount ordered to be released vide order dated 30.12.2025 shall be released in favour of Punjab National Bank, Uttam Bhawan, Near 103 Tunnel, Shimla, by remitting the same in its account, details whereof shall be furnished by learned counsel for the applicant/ DH within a period of one week, which after receipt of afore amount shall issue bank guarantee in terms of directions contained in para-7 of order dated 30.12.2025 to the satisfaction of Registrar General of this Court within a period of two weeks, after receipt of the afore amount. Needless to say, bank guarantee furnished shall be renewed from time to time or till the disposal of the appeal, if any, filed by the non-applicant/State. The application stands disposed of.

(Sandeep Sharma)
Judge

March 23, 2026
(shankar)