



**Greenko Astha Projects India Pvt. Ltd. vs. M/s
Ajeet Tegta Construction Pvt. Ltd. and others**

CMPMO No.317 of 2025

22.11.2025 Present: Mr. Vikrant Thakur and Mr. Shubham Singh Guleria,
Advocate, for the petitioner.

Mr. B.N. Sharma, Advocate, for respondent No.1.

None for respondent No.3.

The present petition has been preferred against the impugned order dated 02.05.2025. Order dated 02.05.2025 is an order of attachment made by the Executing Court qua bank accounts of the Judgment Debtor/present petitioner, as per the details furnished by the Decree Holder. It is contended on behalf of the respondents that an objection to an attachment can be made by the present petitioner in terms of provisions of Order 21 Rule 58 of the Civil Procedure Code before the Executing Court.

Based on the aforesaid, it is further contended that in view of an alternative statutory remedy, petition under Article 227 of the Constitution of India would not be maintainable.

In this respect, it would be appropriate to refer to the decision of the Apex Court, in ***Shalini Shyam Shetty and another vs. Rajendra Shankar Patil, 2010(8) SCC 329***. The relevant extract is being reproduced here-in-below:-

“49...(c) High Courts cannot, at the drop of a hat, in exercise of its power of superintendence under [Article 227](#) of the Constitution, interfere with the orders of tribunals or Courts inferior to it. Nor can it, in exercise of this power, act as a Court of appeal over the orders of Court or tribunal subordinate to it. In cases where an alternative statutory mode of redressal has been provided, that would also operate as a restraint on the exercise of this power by the High Court.”



2025:HHC:40158

Per contra, learned counsel for the petitioner submits that in terms of Section 10(2) of the Commercial Courts Act, 2015, the present execution proceedings would not be maintainable before the Executing Court.

Learned counsels seek time to respond to the rival contentions. In view thereof, list the matter on **26.11.2025**.

November 22, 2025 (KS)

(Bipin C. Negi)
Judge