

*Mars Bottles Una Private Limited Vs. State of HP & ors.*

**Execution Petition No.2740 of 2025**

09.01.2026 Present: Mr. Desh Raj Thakur, Advocate, for the petitioner.  
Mr. Anup Rattan, Advocate General, with Mr.Sushant Kaprate, Additional Advocate General, for the respondents/State.

Objections/compliance affidavit be filed within two weeks.

It has been submitted by learned counsel for the petitioner that despite passing of order by this Court, respondents are not permitting the petitioner to run his business and for huge financial losses, petitioner could not repay loan and resultantly in recovery proceedings initiated by the Bank, property of petitioner, including his house, is likely to be sold.

Learned Advocate General submits that order passed by this Court has not been complied with for filing of the review petition, immediately after passing of the order in the month of October, 2025.

Review petition is also listed today alongwith this Execution Petition.

It is apparent from the record that though review was filed on 16.10.2025 and, thereafter, objections raised by Registry were removed on 27.10.2025, however, no active action was taken by the respondents for listing of the review petition at the earliest, however, the respondents kept on sleeping, perhaps deliberately to avoid the implementation of the order and it was listed on 06.01.2026 for the first time.

It is also submitted by learned Advocate General that an application for interim stay has been filed with the review petition. It is again reflecting dicey conduct of the officers/officials of the department because when an application for stay was filed with the Review Petition, then it was incumbent upon the department to make an endeavour for listing of the Review Petition at the earliest to avoid any complication or fastening of liability upon defaulter for non-implementation of the order.

Unless an order is stayed or set-aside by the competent Court, it has to be executed.

Considering the entire facts of the case and the submissions of the learned counsel for the petitioner and learned Advocate General, it is made clear that in future if no merit is found in the Review Petition, then, for non-implementation of the order, in absence of any stay, shall cause fixing the liability of the officer(s) responsible for defiance of the order.

List for consideration immediately after ensuing winter vacation on **23.02.2026**.

**(Vivek Singh Thakur)**  
**Judge**

**( Sushil Kukreja )**  
**Judge**

**January 09, 2026**  
*(V.Himalvi)*