IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. No. 962 of 2025

M/s. Steel Authority of India Ltd., having one of its units at Bokaro Steel City, PO & PS-Bokaro Steel City, District-Bokaro, through its General Manager (Law) John Tapan Kongari, S/o P.L. Kongari, R/o Quarter No. 1021, Sector-5A, Bokaro Steel City, Bokaro
... ... Petitioner

Versus

M/s. Naresh Prasad Aggarwalla & Co., through its Proprietor Mr. Naresh Prasad Lodha, S/o Sheo Shankar Lodha, having its address at Hotel Naresh Building, Bye Pass Road, PO & PS-Chas, Bokaro Steel City, Bokaro … … Opposite Party

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CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. Shresth Gautam, Advocate
Mr. Rahul Anand, Advocate
For the Opposite Party : Mr. Rahul Lamba, Advocate
Mr. Anish Kamal, Advocate
Ms. Kanu Priya, Advocate

Order No. 02 **Dated: 04.05.2026**

1. Heard learned counsel for the parties.

2. This proceeding constitutes an abuse of the process of the Court. The petitioner is only interested in delaying the execution proceedings before the executing court with a view to frustrate the execution of the arbitral award obtained by the opposite party.

3. The only contention raised by the learned counsel for the petitioner is that, according to the petitioner, the award is for an amount of Rs. 97,00,000/- and, therefore, the proper executing court having pecuniary jurisdiction would be the court of the Civil Judge (Sr. Division).

4. The records show that the objection based on pecuniary jurisdiction was raised by the present petitioner after a considerable delay of almost three years from the institution of the execution proceedings and from participation therein.

5. In the present case, the records show that the decree-holder has claimed an amount of Rs. 1,06,91,000.59 by way of execution of the award dated 03.12.2019. This amount is more than Rs. One crore, and therefore, the execution petition was correctly filed before the Additional District Judge, who has the pecuniary jurisdiction of dealing with matters valued at more than Rs. One crore.

6. In any event, objections relating to pecuniary jurisdiction must be raised at the earliest instance, and in this case, the objections were raised belatedly, only to frustrate the execution proceedings or delay them.

7. Reference may be made to the dictum of the Hon'ble Supreme Court in **Sneh Lata Goel v. Pushplata, reported in (2019) 3 SCC 594**, wherein the Hon'ble Court held that objections to territorial or pecuniary jurisdiction must be raised at the earliest opportunity, specifically at or before the settlement of issues, or be deemed waived.

8. Moreover, in the case of **Hasham Abbas Sayyad v. Usman Abbas Sayyad, (2007) 2 SCC 355**, the Hon'ble Apex Court has clarified that while a lack of jurisdiction over the subject-matter renders a decree a nullity, a decree passed by a court lacking territorial or pecuniary jurisdiction does not suffer from the same inherent defect. Such an objection is deemed waived if not taken promptly at the first instance and cannot be raised subsequently unless it is shown that the lack of jurisdiction has resulted in a failure of justice, which is not the case here.

9. For the above two reasons, we see no error in the order dated 05.07.2025 by which the Commercial Court/District Judge-I rejected the petitioner's objection on the ground of pecuniary jurisdiction. The executing court has correctly observed that these objections were belatedly raised only to delay the execution proceedings.

10. Incidentally, we note that the petition filed by the present petitioner under Section 34 of the Arbitration and Conciliation Act, 1996, has already been dismissed. The award has attained finality. The execution is now being resisted on frivolous pleas only so that the award holder is deprived of the benefits of the award.

11. The Hon'ble Supreme Court has time and again held that execution proceedings must not be allowed to be frustrated in this manner. In this context, reliance can be placed on the judgment of the **Hon'ble Supreme Court in the case of Babu Lal vs. M/s. Hazari Lal Kishori Lal & Ors., reported in (1982) 1 SCC 525**, wherein the Hon'ble Court observed in paragraph 29 as follows:

> "*Procedure is meant to advance the cause of justice and not to retard it. The difficulty of the decree holder starts in getting possession in pursuance of the decree obtained by him.* ***The judgment debtor tries to thwart the execution by all possible objections****……"*

12. This sentiment was once again reiterated in the case of **Shub Karan Bubna alias Shub Karan Prasad Bubna vs. Sita Saran Bubna and Ors., reported in (2009) 9 SCC 689**, at para 27, wherein, the Hon'ble Court observed as under:

> "*In the present system, when preliminary decree for partition is passed,* ***there is no guarantee that the***

> ***plaintiff will see the fruits of the decree.*** *The proverbial observation by the Privy Council is that the difficulties of a litigant begin when he obtains a decree.* ***It is necessary to remember that success in a suit means nothing to a party unless he gets the relief. Therefore, to be really meaningful and efficient, the scheme of the Code should enable a party not only to get a decree quickly, but also to get the relief quickly.*** *This requires a conceptual change regarding civil litigation, so that the emphasis is not only on disposal of suits, but also on securing relief to the litigant."*

13. Lastly, in the case of **Satyawati vs Rajinder Singh and anr.**, reported in (2013) 9 SCC 491, the Hon'ble Supreme was constrained to observe the following :

> *"As stated by us herein-above, the position has not been improved till today.* ***We strongly feel that there should not be unreasonable delay in execution of a decree because if the decree holder is unable to enjoy the fruits of his success by getting the decree executed****, the entire effort of successful litigant would be in vain."*

14. Accordingly, no case, therefore, is made out for exercising any extraordinary jurisdiction and interfering with the executing court's order dated 05.07.2025.

15. The C.M.P. is accordingly dismissed without any order for costs.

16. The executing court must transfer the amount of Rs. 60 Lakhs deposited by the petitioner, along with interest, if any, that shall have accrued on this amount, to the opposite party/award holder forthwith.

17. Insofar as the balance amount is concerned, the petitioner is granted four weeks' time to pay the same to the opposite party/award holder or to deposit the same before the executing court. If this balance amount is not paid/deposited within four weeks, the opposite party/award holder is free to encash the bank guarantee submitted by the petitioner to secure payment of this amount. The petitioner must keep the bank guarantee alive.

18. The interim order, granted earlier, is vacated.

19. This C.M.P. and IAs therein, if any, are disposed of without order for costs.

(M. S. Sonak, C.J.)

(Rajesh Shankar, J.)

May 04, 2026
Manish/AKT

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