

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 8700/2025

M/s Gvpr Engineers Limited

-----Petitioner

Versus

M/s Mohit Polytech Pvt. Ltd.

-----Respondent

With

S.B. Civil Writ Petition No. 3974/2024

For Petitioner(s) : Mr. R.K. Agrawal, sr. adv. with
Mr. Adhiraj Modi

For Respondent(s) : Mr. R.N. Mathur, sr. adv. with
Mr. Lokesh Kumar Atrey

HON'BLE MR. JUSTICE SAMEER JAIN

Order

04/08/2025

Matter is admitted.

S.B. Civil Writ Petition No. 8700/2025 is filed by GVPR Engineers Limited and S.B. Civil Writ Petition No. 3974/2024 is filed by the respondent-M/s Mohit Polytech Pvt. Ltd.

Considering that identical factual narratives and legal issues are involved in the present matter, with the consent of respective parties this Court deems it apposite to consider the matters together as same are interconnected and interwoven.

In S.B. Civil Writ Petition No. 3974/2024 filed by Mohit Polytech Private Limited, categorical directions are passed by Division Bench of this Court in DBSAW No. 633/2024, vide order dated 04.02.2025, to adjudicate the matter, expeditiously. Howsoever during the pendency of the said petition in pursuance of the order dated 15.05.2023, execution proceedings were initiated by the concerned Commercial Court, whereby they have

attached the bank account of the petitioner- M/s Gvpr Private Limited, resultant to which the petitioner is unable to meet out the commitments which is affecting their infrastructural projects.

Further, it is submitted that vide final order dated 26.02.2024 the claim of the petitioner was canceled including the counter-claim. Therefore, it is submitted that bank account of the petitioner- M/s Gvpr Private Limited should be released.

Per contra, learned senior counsel Mr. R.N. Mathur has submitted that order dated 15.05.2023 is assailed even before the Apex Court, whereby, Hon'ble Supreme Court had dismissed the same for want of availing alternate remedy under Section 34 of the Arbitration and Conciliation Act, 1996 as the same was treated as arbitral award. It is further submitted that Division Bench of this Court vide order dated 28.11.2024 has taken a *prima facie* view and held that concerned order dated in 15.05.2023 is treated as an award up to the Hon'ble Supreme Court, thus *prima facie* case of the impugned order being nullity in law is made out.

Considering the foregoing facts and circumstances of the case, taking note of the fact that irreparable injury will be caused and the principle of balance of convenience, this Court directs that effect and operation of the execution order dated 09.05.2025 passed by the Commercial Court shall remain stayed subject to condition that petitioner- GVPR is directed to maintain a minimum sum of Rs.2.5 Crores in the said bank account, qua release of attachment, till the adjudication of the present petitions. It is cautiously made clear that failure to comply with the said direction will vacate the interim protection granted by this Court.



[CW-8700/2025]

With consent of the respective parties, list these matters on
19.08.2025 at 2:00 PM.

(SAMEER JAIN),J

DEEPAK/54 & 246