

  
**HIGH COURT OF JUDICATURE FOR RAJASTHAN**  
**BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 10762/2025

M/s New-Tech Engineers And Fabricators

----Petitioner

Versus

S.P.M.L. Infra Ltd.

----Respondent

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|-------------------|---|--------------------------------------------------------------------------------|
| For Petitioner(s) | : | Mr. Manoj Kumar Bharadwaj<br>Mr. Himanshu Agnihogri                            |
| For Respondent(s) | : | Mr. Ankit Sethi (thorough VC) with<br>Mr. Rupender Singh and<br>Mr. Aman Manju |

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**JUSTICE ANOOP KUMAR DHAND**  
**Order**

**29/07/2025**

1. Counsel for the petitioner submits that the Rajasthan Micro, Small and Medium Enterprises Facilitation Council, Jaipur (for short 'MSMEFC') vide order dated 14.03.2024 passed an award of Rs.4,23,79,084/- in favour of the petitioner against which, an objection application under Section 34 of the Arbitration and Conciliation Act, 1996 (for short 'the Act of 1996') was submitted by the respondent before the Commercial Court No.1, Jaipur Metropolitan Second. Counsel submits that the objection application submitted by the respondents was rejected vide order dated 21.11.2024. Counsel submits that thereafter, an execution application was submitted for execution of the award dated 14.03.2024. Counsel submits that when the matter was posted before the Executing Court i.e. Commercial Court No.1 on 20.02.2025, the matter was posted for 20.11.2025 for calculation of the decretal amount. Counsel submits that since a long date of

nine months was posted by the Executing Court, under these circumstances, the petitioner approached this Court by way of filing S.B. Civil Writ Petition No.3483/2025 seeking directions to the Executing Court for expeditious disposal of the execution proceedings. Counsel submits that notice of the aforesaid petition was issued to the respondents and thereafter, the writ petition was dismissed as withdrawn vide order dated 14.05.2025. Counsel submits that in the meantime, the respondent deposited a sum of Rs.4,70,00,000/- by way of a demand draft and the said demand draft was encashed by the petitioner and the same was deposited in his account. Counsel submits that subsequently, the Executing Court vide its order dated 28.05.2025 treated the aforesaid conduct of the petitioner as fraud with the Court and accordingly, several orders have been passed for freezing accounts of all the beneficiaries and contempt proceedings have been ordered to be initiated against the petitioner alongwith imposition of cost of Rs.10 Lakh against the petitioner.

2. *Per contra*, learned counsel for the respondent opposed the arguments raised by the counsel for the petitioner and submitted that when the objections submitted by the respondent under Section 34 of the Act of 1996 against the award dated 14.03.2024 passed by MSMEFC was rejected by the Commercial Court vide order dated 21.11.2024, an appeal under Section 37 of the Act of 1996 has been preferred by the respondent before the Division Bench and the said appeal is pending before the Division Bench. Counsel further submits

that the fact of filing other Writ Petition No.3483/2025 seeking direction for expeditious disposal of the execution proceedings was not brought into the notice of the respondent, hence, under these circumstances, the Executing Court has rightly passed the order dated 28.05.2025. Counsel submits that by issuing the aforesaid order, the petitioner has been directed to deposit the amount received and thereafter, the petitioner has deposited more than three crore rupees before the Executing Court. Counsel submits that now, the matter is subjudice before the Division Bench, hence, interference of this Court is not warranted.

3. Heard. Matter requires consideration.
4. Mr. Ankit Sethi, Advocate needs two weeks time to file reply to the writ petition.
5. Time sought for, is granted.
6. List on 13.08.2025.
7. The Executing Court is directed to call back the order dated 28.05.2025 to the extent of freezing the bank accounts of the beneficiaries. Till then, the effect and operation of impugned order dated 28.05.2025, shall remain stayed. The petitioner is restrained from initiating the recovery proceedings with regard to the amount which has already been deposited by him, for a period of two weeks.

(ANOOP KUMAR DHAND),J