

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Miscellaneous Appeal No. 2322/2023

ALPS Engineering Services, 818 B, Guru Ramdas Marg, Adarsh
Nagar, Rajapark, Jaipur, Rajasthan

----Appellant/Objector

Versus

Babulal Meena S/o Shri Jansiram Meena, R/o Kothi Dewali Wali,
Ralawas Salempur, Tehsil Lalsoth District Dausa (Rajasthan.)

----Respondent/Claimant

Connected With

D.B. Civil Miscellaneous Appeal No. 2319/2023

Babu Lal Meena S/o Shri Jansiram Meena, Aged About 31
Years, R/o Kothi Dewali Wali, Ralawas Salempur, Tehsil Lalsot,
District Dausa Rajasthan

----Appellant/Objector

Versus

ALPS Engineering Services, 818-B, Guru Ramdas Marg, Adarsh
Nagar Rajapark Jaipur Rajasthan

----Respondent

For Appellant(s)	:	Mr. Yogesh Pujari
For Respondent(s)	:	Mr. B.R. Rana

HON'BLE MR. JUSTICE ASHOK KUMAR GAUR
HON'BLE MR. JUSTICE ASHUTOSH KUMAR
Order

24/08/2023

Heard learned counsel for the appellant.

Mr. B.R. Rana, learned counsel appears on behalf of the
respondent-claimant. Learned counsel submits that C.M.A.
No.2319/2023 has also been filed by him against the order passed
by the Commercial Court under Section 34 of the Arbitration and
Conciliation Act, 1996.

Learned counsel for the respondent Mr. B.R. Rana is directed to supply a copy of memo of appeal to Mr. Yogesh Pujari.

Both the cases may be listed together.

Mr. Yogesh Pujari, learned counsel appearing on behalf of the appellant in C.M.A. No.2322/2023 submitted that the respondent-claimant has filed execution application before the Court below and even possession warrant has been issued.

This Court, as an interim measure, directs that the effect and operation of award dated 23.08.2022 and operation of order dated 28.06.2023 passed by the Commercial Court shall remain stayed, subject to depositing the entire decretal amount passed by the Arbitrator within a period of six weeks.

On depositing of the said amount, the respondent-claimant will be entitled for disbursement of 50% of the award amount in his Savings Bank Account, after giving an undertaking before the Commercial Court that the amount, so paid to him, will be subject to final outcome of the appeal and in case the appeal of the appellant is allowed, the amount so paid to him will be refunded back with an interest @ 6% per annum.

The rest 50% of the amount will be kept in FDR for a period of one year, to be renewed from time to time.

Call for the record.

List these cases on 26.09.2023.

(ASHUTOSH KUMAR),J

(ASHOK KUMAR GAUR),J