

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL MISCELLANEOUS JURISDICTION No.1221 of 2025**

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1. The State of Bihar through the Secretary, Science and Technology Department, Government of Bihar, presently known as Science, Technology and Technical Education Department, Government of Bihar, Patna.
2. The Project Engineer, for and on behalf of the State of Bihar, Construction Cell, the then Science and Technology Department, Government of Bihar, presently known as Science, Technology and Technical Education Department, Government of Bihar.

... .. Petitioner/s

Versus

M/s N.R. Construction Pvt. Ltd. a company incorporated under the Companies Act, 1956, having its registered office at Sector- 12 A, Quarter No.- 1051, P.O. and P.S.- Bokaro, Dist.- Steel City, Bokaro through its Managing Director, namely Daya Shankar Rai.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Sushant Praveer ( AC To SC 09)  
For the Respondent/s : Mr. Nand Kishore Singh

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**CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH**  
**ORAL JUDGMENT**

**Date : 12-01-2026**

Instant Civil Misc. Application has been filed for  
grant of following relief/s :-

(i) For setting aside the order dated 20.08.2025 passed by the Learned Principal District Judge, Patna in Execution case No. 269 of 2022 (M/s N.R. Construction Pvt. Ltd. Vs. The Project Engineer and ors.), whereby the petition dated 04.07.2025 of the award holder/respondent was allowed and the vacant land admeasuring 5000 Sq. Ft., within the



campus of Indira Gandhi Science Complex in the eastern side of the building at Bailey Road, Patna is attached.

(ii) For setting aside the order dated 27.08.2025 passed by Learned Principal District Judge, Patna in Execution Case No. 269 of 2022 (M/s N.R. Construction Pvt. Ltd. Vs. The Project Engineer and ors.), whereby the Learned Court has directed the judgment debtor i.e. present petitioners to deposit the award amount of Rs. 4,01,14,669 alongwith interest of Rs. 5,090/- per day before the learned Court completely ignoring that the award under execution dated 21.12.2005 has already been modified by the Hon'ble High Court, Patna vide order dated 21.12.2011 passed in Misc. Appeal No. 689 of 2008 and as such the award sought to be executed is not even in existence. Further the learned court below has also ignored that the amount due to the award holder in terms of the modification pursuant to order dated 21.12.2011 passed in M.A. No. 689 of 2008 has already been paid in the year 2017 itself.

(iii) For the stay of the impugned orders dated 20.08.2025 as also order dated 27.08.2025 passed in Execution Case No. 269 of 2022 till the final disposal of the instant Civil



Misc. Application.

(iv) For any other relief/s for which the petitioners are found entitled to in the facts and circumstances of the present case.

2. Petitioner has also prayed for the stay of Impugned Order dated 20.08.2025 and 27.08.2025 passed in Execution Case No. 269 of 2022 till the final disposal of this Civil Misc. Application.

3. Learned counsel appearing on behalf of the respondent submits that the present execution case arises out of an arbitral award passed in the year 2005. Despite lapse of considerable time and repeated directions of the Court, the award debtors have failed to comply with the award and have not remitted the award amount along with the accrued interest towards its satisfaction. For enforcement of the award, notice was issued to the award debtors calling upon them to show cause as to why the properties mentioned in the execution petition should not be attached. However, despite due service of notice, the award debtors neither complied with the directions nor



deposited the arbitral dues. It is further submitted that the award holder has filed Civil Misc. No. 324 of 2025 seeking a direction to the learned Executing Court for expeditious disposal of the original Execution Case No. 09 of 2006, subsequently renumbered as Execution Case No. 840 of 2014 and now Execution Case No. 269 of 2022, for compliance and to give effect to the directions of the Hon'ble Apex Court.

4. During the course of arguments, learned counsel appearing for the petitioners/judgment debtors drew the attention of the Court to the supplementary petition (Annexure P/7) and submitted that the claim raised by the award holder is neither in conformity with the order passed by the Hon'ble Patna High Court nor in accordance with the terms of the agreement, and is wholly arbitrary. It is further submitted that the respondent department has examined the claim of the award holder and has calculated the payable amount strictly in compliance with the directions of the Hon'ble Patna High Court and in



terms of the contractual provisions. In this regard, a comparative chart has been prepared showing the revised claim of the petitioner as recalculated in accordance with the order of the Hon'ble High Court.

5. During course of argument, learned counsels of both the parties are in agreement that only the direction made in M.A. No. 689 of 2008 is to be complied in its true spirit because it has attained finality up to the Hon'ble Supreme Court.

6. Aggrieved by the arbitral award passed by the learned Arbitrator, the judgment debtors/petitioners instituted Misc. Case No. 09 of 2006 before the District Court under Section 34(2) of the Arbitration and Conciliation Act, 1996, which came to be dismissed by order dated 29.09.2008. Thereafter, the judgment debtors/petitioners preferred Misc. Appeal No. 689 of 2008 before this Court, wherein, by order dated 21.12.2011, the arbitral award was modified to a limited extent. Subsequently, the award holder/respondent



approached the Hon'ble Supreme Court by filing SLP (Civil) CC No. 5555 of 2013, which was dismissed vide order dated 15.03.2013.

7. As per submission of petitioners/judgment debtors, the calculation was made as per the order dated 21.12.2011, passed in M.A. No. 689 of 2008 and the amount has already been paid to the award holder through Banker Cheque No. 087086 dated 21.03.2017.

8. At present, the dispute between the parties is confined to the computation of the decretal/arbitral award amount in terms of the order passed in M.A. No. 689 of 2008. The judgment debtor asserts that the entire amount has already been deposited, whereas the respondent/award holder contends that the amount admissible under the said order has not been fully paid, despite considerable delay. Thus, the controversy essentially revolves around the final calculation of the arbitral dues. Both parties have filed their respective calculation charts, which are mutually contradictory. In



this context, by order dated 27.11.2025, a report was called for from the Court of the learned Principal District & Sessions Judge regarding any computation made by a Chartered Accountant (hereinafter referred to as “C.A.”). In compliance thereof, a report was submitted by the learned Principal District & Sessions Judge, Civil Court, Patna, stating that no C.A. has undertaken any computation of the arbitral award payable by the judgment debtor/award debtor in favour of the award holder.

9. Hon’ble Apex Court in the case of **Rahul S. Shah vs. Jinendra Kumar Gandhi and others**, reported in **(2021) 6 SCC 418** has held in para 24 :-

“24. In respect of execution of a decree, Section 47 CPC contemplates adjudication of limited nature of issues relating to execution i.e. discharge or satisfaction of the decree and is aligned with the consequential provisions of Order 21 CPC. Section 47 is intended to prevent multiplicity of suits. It simply lays down the procedure and the form whereby the court



reaches a decision. For the applicability of the section, two essential requisites have to be kept in mind. *Firstly*, the question must be the one arising between the parties and *secondly*, the dispute relates to the execution, discharge or satisfaction of the decree. Thus, the objective of Section 47 is to prevent unwanted litigation and dispose of all objections as expeditiously as possible.”

10. After hearing the parties, this Court is of the view that the dispute relating to the payment of arbitral dues by the judgment debtor to the decree holder can be properly and effectively resolved only with the assistance of a C.A. appointed by the Court of Principal District Judge. The fee of the C.A. shall be borne equally by both the parties. The nomination of the C.A. shall be made by the learned Principal District & Sessions Judge, Patna, and the said C.A. shall submit his report within one month from the date of receipt of the order of the learned Principal District & Sessions Judge, Patna. The entire process, including nomination of the C.A., deposit of his



fees, submission of the report, and passing of appropriate orders by the learned Principal District & Sessions Judge upon receipt of the report, shall be completed expeditiously, preferably within a period of two months from the date of receipt/production of this order.

11. Hence, the case is remanded back to the Court of Learned District Judge who shall pass order in accordance with law after staying the Execution Case No. 269 of 2022.

12. Keeping in view the aforesaid facts, the instant Civil Misc. No. 1221 of 2025 stands disposed of.

**(S. B. Pd. Singh, J)**

Nirajkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	09.02.2026
Transmission Date	N/A

