2026:AHC:208094

HIGH COURT OF JUDICATURE AT ALLAHABAD

MATTERS UNDER ARTICLE 227 No. - 8021 of 2026

M/S Paramount Propbuild Pvt Ltd

.....Petitioner(s)

Versus

Uttar Pradesh State Industrial Development Authority And Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Uma Nath Pandey
Counsel for Respondent(s)	:	Chandan Sharma, Ambrish Shukla, Anuj Pratap Singh

Court No. - 53

HON'BLE VIKAS BUDHWAR, J.

1. Heard Shri Umanath Pandey, learned counsel for the decree holder-petitioner, Shri Anuj Pratap Singh, counsel for judgment debtor and Shri Chandan Sharma, counsel for the High Court.

2. The decree-holder claims that the judgement debtor allotted 4,16,704.90 square meters of land in favour of the decree holder for a township on 18.10.2010. The decree holder paid Rs. 30,25,28,572.50/- to the judgement debtor and the balance amount was to be paid in 16 half yearly installments at the interest of 14% *per annum*. At the time of the execution of the lease deed, the decree holder was not given the physical possession of the land since 16.08.2011 as the land was not in the physical possession of the judgement debtors themselves. The decree holder thereafter submitted representation before the judgement debtor with a request to forfeit the interest from 18.10.2010 to 16.08.2011 which comes to Rs. 17,07,75,307.06/-. The judgement debtor did not agree and with the consent of the decree holder referred the matter to arbitration and one Shri N.K. Jain, (Retired District Judge) was appointed as the sole arbitrator who passed an award dated 25.01.2013. Thereafter the decree holder- petitioners filed execution case before the District Judge, Gautam Budh Nagar which was registered as Execution Case No. 466 of 2015 (M/s. Paramount Propbuild Private Limited *v.* U.P. State Industrial Development Authority and another) for execution of the award dated 25.01.2013. The Trial Court *vide* order dated 31.08.2015 issued notice to the judgement debtor- respondents and fixed the next date for 17.10.2015. That the notice was served upon the

defendant and the next date fixed was 06.07.2016.

3. Since the execution case was lingering on in a slow pace, the present petition under Article 227 came to be preferred by the decree holder-petitioner seeking following reliefs:

> *"It is, therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to direct the Presiding Officer, Commercial Court No.2, Gautam Buddh Nagar to decide the Execution Case No.466 of 2015 (M/s. Paramount Propbuild Private Limited Vs. Uttar Pradesh State Industrial Development Authority and Another) pending in the Court of Presiding Officer, Commercial Court No.2, Gautam Buddh Nagar within some stipulated period as may be fixed by this Hon'ble Court, otherwise the petitioner shall suffer irreparable loss and injury. And/Or pass such other and further order which this Hon'ble Court may deem fit and proper under the circumstances of the present case."*

4. On 02.07.2026, this Court proceeded to pass the following order:

> " *Learned counsel for the petitioner is directed to provide a complete set of the petition to Shri Chandan Sharma, learned counsel for the High Court during the course of the day, who shall seek instructions from the Officer concerned on or before the next date fixed.*
> *List as fresh on 20.07.2026 showing name of Shri Chandan Sharma (AOR No. 0012/2012) as counsel for the respondent."*

5. On 20.07.2026, this Court proceeded to pass the following order:

> *"At the request of Mr. Cahndan Sharma, counsel for the High Court, the case is passed over.*
> *List again as fresh on 27.7.2026."*

6. On 27.07.2026, this Court proceeded to pass the following order:

> *"1. In pursuance of earlier order, the instructions have come which are taken on record.*
> *2. On the strength of the instructions, Sri Chandan Sharma submits that the calculation sheet has been filed by UPSIDA to which learned counsel for the petitioner has sought time before the court below to file objection.*
> *3. Sri Chandan Sharma shall take fresh instructions in the matter.*
> *4. List again as fresh on 17.08.2026."*

7. On 17.08.2026, this Court proceeded to pass the following order:

> *"Pursuant to the earlier order of this Court, Shri Chandan Sharma,*

learned counsel for the High Court has sought instructions, which are taken on record.

On the strength of the instructions, he submits that the matter has been referred to the Chartered Accountant for his opinion for calculation of the interest.

To the said submission, learned counsel for the petitioner submits that nobody's name has been mentioned in the instruction.

Confronted with the said fact, Shri Sharma seeks further time to get the clear instruction.

In view of the above, list as fresh on 01.09.2026."

8. On 01.09.2026, this Court proceeded to pass the following order:

"In pursuance of earlier order, instructions have come, which are taken on record.

On the strength of said instructions, Mr. Chandan Sharma, learned counsel for High Court submits that Chartered Accountant has already submitted the calculation report wherein interest has been calculated to which respondent was granted time to file objection, if any, and 5.9.2026 is the date fixed.

In view of above, list this matter on 14.9.2026 as fresh case.

In the meantime, Mr. Chandan Sharma shall get fresh instructions in the matter."

9. And on 14.09.2026, this Court proceeded to pass the following order:

"Learned counsel for the petitioner states that today is the date fixed before the court below, therefore, he seeks accommodation today.

List again as fresh on 5.10.2026.

This order has been passed in the presence of Mr. Chandan Sharma, counsel for the High Court."

10. Today when the matter was taken up, the counsel for the decree holder-petitioner has submitted that dates are being fixed and the execution case is not being given its logical end.

11. Sri Chandan Sharma who appears for the High Court submits that all possible efforts will be made for getting the execution case a final conclusion.

12. I have heard the submissions made across the bar and perused the record carefully.

13. Apparently, the grievance of the decree holder- petitioner is to the extent

that the execution proceedings be given a logical end without granting unnecessary adjournments and the same is pending since 2015.

14. In ***Chopra Fabricators & Manufacturers (P) Ltd. v. Bharat Pumps & Compressors Ltd.; 2023 (3) SCC 534***, the following was observed as under:

> *"**1.** This is a glaring example of frustrating the arbitration proceedings under the Arbitration Act. The Award has been passed in the year 1992 and the execution petition is of the year 2003, which is still reported to be pending.*
>
> ***2.** It is very unfortunate that even after a period of 30 years, the party in whose favour the Award is passed is not in a position to enjoy the fruit of the litigation/Award. Even the execution petition is also pending for more than 19 years.*
>
> ***3.** This is a very sorry state of affairs that even the execution proceedings to execute the Award passed under the Arbitration Act are pending for more than 20 years. If the Award, under the Arbitration Act, is not executed at the earliest, it will frustrate the purpose and object of the Arbitration Act as well as the Commercial Courts Act. Even as per the new Commercial Courts Act, 2015 the commercial dispute is required to be decided and disposed of at the earliest and within the stipulated time provided under the Act, namely, one year. There must be number of such proceedings pending in the courts under the jurisdiction of the High Court of Judicature at Allahabad.*
>
> ***4.** We direct the Registrar General of the High Court of Judicature at Allahabad and the Lucknow Bench to place on record (i) how many execution petitions to execute the Award both under the Arbitration Act, 1940 and under the Arbitration and Conciliation Act, 1996 are pending in the subordinate courts/executing courts in the entire State; (ii) how many Section 34 applications are pending in the entire State and from which year and (iii) how many Section 37 applications are pending before the High Court and from which year.*
>
> ***5.** The aforesaid information in the form of a detailed report shall be placed before this Court on or before the next date of hearing.*
>
> ***6.** Put up on 28.04.2022 on top of the Board.*
>
> ***7.** Insofar as the present case is concerned, considering the fact that the Award which is sought to be executed is of the year 1992 and the execution proceedings are pending since 2003, we direct the executing court to finally decide and dispose of the execution petition within a*

period of four weeks from the date of receipt of the present order."

15. Further in ***Periyammal(Dead) Through Lrs& Ors V. V. Rajamani & Anr.Etc.; 2025 INSC 329***, the Hon'ble Apex Court observed as under:

> *"73. It is worthwhile to revisit the observations in Rahul S. Shah (supra) wherein this Court has provided guidelines and directions for conduct of execution proceedings. The relevant portion of the said judgment is reproduced below:*
>
> > *"42. All courts dealing with suits and execution proceedings shall mandatorily follow the below mentioned directions:*
> >
> > *42.1. In suits relating to delivery of possession, the court must examine the parties to the suit under Order 10 in relation to third-party interest and further exercise the power under Order 11 Rule 14 asking parties to disclose and produce documents, upon oath, which are in possession of the parties including declaration pertaining to third-party interest in such properties.*
> >
> > *42.2. In appropriate cases, where the possession is not in dispute and not a question of fact for adjudication before the court, the court may appoint Commissioner to assess the accurate description and status of the property.*
> >
> > *42.3. After examination of parties under Order 10 or production of documents under Order 11 or receipt of Commission report, the court must add all necessary or proper parties to the suit, so as to avoid multiplicity of proceedings and also make such joinder of cause of action in the same suit.*
> >
> > *42.4. Under Order 40 Rule 1 CPC, a Court Receiver can be appointed to monitor the status of the property in question as custodia legis for proper adjudication of the matter.*
> >
> > *42.5. The court must, before passing the decree, pertaining to delivery of possession of a property ensure that the decree is unambiguous so as to not only contain clear description of the property but also having regard to the status of the property.*
> >
> > *42.6. In a money suit, the court must invariably resort to Order 21 Rule 11, ensuring immediate execution of decree*

for payment of money on oral application.

42.7. In a suit for payment of money, before settlement of issues, the defendant may be required to disclose his assets on oath, to the extent that he is being made liable in a suit. The court may further, at any stage, in appropriate cases during the pendency of suit, using powers under Section 151 CPC, demand security to ensure satisfaction of any decree.

42.8. The court exercising jurisdiction under Section 47 or under Order 21 CPC, must not issue notice on an application of third party claiming rights in a mechanical manner. Further, the court should refrain from entertaining any such application(s) that has already been considered by the court while adjudicating the suit or which raises any such issue which otherwise could have been raised and determined during adjudication of suit if due diligence was exercised by the applicant.

42.9. The court should allow taking of evidence during the execution proceedings only in exceptional and rare cases where the question of fact could not be decided by resorting to any other expeditious method like appointment of Commissioner or calling for electronic materials including photographs or video with affidavits.

42.10. The court must in appropriate cases where it finds the objection or resistance or claim to be frivolous or mala fide, resort to sub-rule (2) of Rule 98 of Order 21 as well as grant compensatory costs in accordance with Section 35-A. 42.11. Under Section 60 CPC the term "… in name of the judgment-debtor or by another person in trust for him or on his behalf" should be read liberally to incorporate any other person from whom he may have the ability to derive share, profit or property.

42.12. The executing court must dispose of the execution proceedings within six months from the date of filing, which may be extended only by recording reasons in writing for such delay.

42.13. The executing court may on satisfaction of the fact that it is not possible to execute the decree without police assistance, direct the police station concerned to provide

> *police assistance to such officials who are working towards execution of the decree. Further, in case an offence against the public servant while discharging his duties is brought to the knowledge of the court, the same must be dealt with stringently in accordance with law.*
>
> *42.14. The Judicial Academies must prepare manuals and ensure continuous training through appropriate mediums to the court personnel/staff executing the warrants, carrying out attachment and sale and any other official duties for executing orders issued by the executing courts." (Emphasis supplied)*

74. The mandatory direction contained in Para 42.12 of Rahul S. Shah (supra) requiring the execution proceedings to be completed within six months from the date of filing, has been reiterated by this Court in its order in Bhoj Raj Garg v. Goyal Education and Welfare Society & Ors., Special Leave Petition (C) Nos. 19654 of 2022.

75. In view of the aforesaid, we direct all the High Courts across the country to call for the necessary information from their respective district judiciary as regards pendency of the execution petitions. Once the data is collected by each of the High Courts, the High Courts shall thereafter proceed to issue an administrative order or circular, directing their respective district judiciary to ensure that the execution petitions pending in various courts shall be decided and disposed of within a period of six months without fail otherwise the concerned presiding officer would be answerable to the High Court on its administrative side. Once the entire data along with the figures of pendency and disposal thereafter, is collected by all the High Courts, the same shall be forwarded to the Registry of this Court with individual reports.

76. Registry is directed to forward one copy each of this judgment to all the High Courts at the earliest.

77. The Registry shall notify this matter once again after seven months only for the purpose of reporting compliance of the directions issued by us referred to above."

16. In the opinion of Court, once an execution petition / application has been filed before a competent Court and there is no legal impediment then the same should be given a logical end without granting unnecessary

adjournments so as to ensure confidence and to uphold the majesty of the Court, particularly, when once the orders are in favour of a particular party but the same is not given its logical conclusion and the party in whose favour the orders have been passed, is deprived of the fruits then the said partakes the character of erosion of justice.

17. Accordingly, the petition is being **disposed of** requiring the court below, before whom the execution proceedings are pending, to mobilize and to conclude the same and to give it a logical conclusion without granting unnecessary adjournments with most expedition and, in case, adjournments are granted then the same should not be beyond the 5 days at a stretch. In case, anything survives or the occasion so arises, it shall be open for the petitioner to again approach this Court.

October 5, 2026
Ashu

(Vikas Budhwar,J.)