

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. /2026
(ARISING OUT SLP(C) NOS.15628-15629/2026)

BMD PVT. LTD.

Appellant(s)

VERSUS

STATE OF HIMACHAL PRADESH

Respondent(s)

O R D E R

Leave granted.

2. We have heard learned senior counsel for the appellant and learned Additional Advocate General for the respondent-State.

3. The controversy between the parties in these matters is in a very narrow compass.

4. Learned senior counsel for the appellant submitted that pursuant to the liberty reserved by this Court *vide* order dated 16.02.2026, there was an application for modification made by the appellant herein before the Executing Court in Execution Petition No.22/2023 along with the Execution Petition No.23/2023 and order dated 16.04.2026 was passed by the Executing Court (High Court). But by the impugned order, the Division Bench of the High Court while considering an appeal filed under Section 37 of the Arbitration and Conciliation Act, 1996 ("the Act" for the sake of convenience) did not take note of the order dated 16.04.2026 and it has taken into consideration an earlier order dated 17.09.2025 passed by the learned Single Judge in the executing proceedings. He therefore

submitted that the Division Bench of the High Court has not given credence to the liberty granted by this Court and the subsequent modification that was made pursuant to the said liberty. It was hence contended that the impugned order may be modified by directing the respondent-State to permit the appellant herein to withdraw the amount deposited by the respondent before the Executing Court without insisting upon the appellant herein to furnish any form of security.

5. Per contra, learned Additional Advocate General appearing for the respondent-State contended at the outset that the impugned award is an *ex parte* award. Although the application filed by the respondent-State under Section 34 of the Act was dismissed nevertheless the State has a good case on merits and since the entire award amount has been deposited before the Executing Court but a restraint order was sought in the appeal filed under Section 37 of the Act before the Division Bench which has considered it prudent to abide by the earlier order dated 17.09.2025 in order to protect the interest of the State.

6. He further submitted that the matter is at an advanced stage inasmuch as the appeal has been part-heard and both parties would cooperate for the expeditious conclusion of the arguments and therefore at this stage the appellant may not be permitted to withdraw the amount. It was submitted that since the entire Award amount of Rs.28 crores has been deposited before the Executing Court, at this stage, the appellant may not be permitted to withdraw the amount without any security in the form of bank guarantee.

7. Taking note of the submissions made at the bar, we find that the ends of justice would be met by permitting the appellant herein to withdraw a sum of Rs.5 crores only without any security. However, the appellant shall submit an indemnity bond for the said amount before the Executing Court.

8. We also request the Division Bench of the High Court to dispose the appeals instituted by the respondent-State as expeditiously as possible.

9. These appeals are disposed of in the aforesaid terms.

Pending application(s), if any, shall stand disposed of.

.....J.
(B.V. NAGARATHNA)

.....J.
(R. MAHADEVAN)

NEW DELHI;
JULY 16, 2026

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).15628-15629/2026
[Arising out of impugned final judgment and order dated 24-04-2026
in CARBA No. 10/2025 24-04-2026 in CARBA No. 11/2025 passed by the
High Court of Himachal Pradesh at Shimla]

BMD PVT. LTD.

Petitioner(s)

VERSUS

STATE OF HIMACHAL PRADESH

Respondent(s)

(IA No. 159965/2026 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 16-07-2026 This matter was called on for hearing today.

CORAM : HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) Mr. K. Parameshwar, Sr. Adv.
Mr. Amit Kumar, Adv.
Mr. Ashish Ranjan, Adv.
Ms. Aparajita Jha, Adv.
Mr. Sai Kaushal N., Adv.
Ms. Dakshita Rai, Adv.
Ms. Divya Roy, AOR

For Respondent(s) Mr. Anup K. Rattan, Sr. Adv./A.G.
Mr. Puneet Rajta, A.A.G.
Mr. Vaibhav Srivastava, A.A.G.
Mr. Ketan Paul, Adv.
Ms. Sugandha Anand, AOR
Ms. Ujala Singh, Adv.
Mr. Prachet Sharma, Adv.
Mr. Chetan Anand Mohapatra, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeals are disposed of in terms of the signed order.

3. Pending application(s), if any, shall stand disposed of.

(RADHA SHARMA)

ASTT. REGISTRAR-cum-PS

(DIVYA BABBAR)

COURT MASTER (NSH)

(Signed order is placed on the file)