

Item No. D-12

**Himachal Pradesh State Electricity Board Limited
Vs. Engenrin Hydro Power Ltd.**

CARAP No. 72 of 2026 in CARBA No. 2 of 2026.

15.07.2026

Present: Ms. Sunita Sharma, Senior Advocate, with Ms. Harshita Dogra, Advocate, for the non-applicant/appellant.
Mr. Atul Jhingan, Advocate, for the applicant/respondent.

CARAP No. 72 of 2026

The present application has been filed seeking release of the remaining Award amount, which had been deposited by the non-applicant/appellant, in CARBC No. 15 of 2025, while seeking the stay of the Award dated 31.12.2022.

Vide order dated 20.03.2026, while disposing of the application for stay, we had granted liberty to the applicant as such, to withdraw the amount. The said order reads as under:-

“CARAP No.13 of 2026

The present application has been filed for staying the operation and implementation of the impugned order dated 28.11.2025, passed by the learned Single Judge, in CARBC No.15 of 2025, titled Himachal Pradesh State Electricity Board Limited vs. Engenrin Hydro Power Ltd.

Perusal of the record would go on to show that the original petition was filed before the learned Single Judge and the present appellant was directed to deposit the entire awarded amount along-with up-to-date interest in the Registry of this Court within a period of four weeks.

In an application being CMP No.261 of 2024 (Arb. Case No.351 of 2023), vide order dated 03.07.2024, 50% of the awarded amount along-with proportionate interest thereupon was

ordered to be released in favour of the claimant, subject to proper verification and identity with further condition that in the event of award being set aside, the amount released shall be deposited by the applicant along-with interest thereupon.

Keeping in view the above, we are of the considered opinion that since the award was passed almost 03 years back and arisen out of an agreement dated 15.04.2003, the claimant cannot be denied the fruits of litigation and resultantly we do not find any plausible ground to stay the execution of the award. Liberty is given to the claimant/respondent to withdraw the amount, subject to the final decision of the appeal with the condition that the amount will be refunded, in case the appellant is successful in the appeal. The application stands disposed of."

Keeping in view the above, we allow the application of withdrawal of the Award amount. Let the amount be disbursed in the bank account, mentioned in the Paragraph No.4 of the application, subject to the applicant furnishing an undertaking that it would refund the amount in case the appellant/non-applicant is successful in his appeal.

Application stands disposed of accordingly.

(G.S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

July 15, 2026
(Shivank Thakur)