SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			AO/416/2026 Union of India --Appellant **Versus** M/s Surat Singh & Sons --Respondent **Hon'ble Manoj Kumar Tiwari, A.C.J.** **Hon'ble Subhash Upadhyay, J.** Ms. Suniti Bhatt, learned Standing Counsel for the Union of India/appellant. 2. Mr. Sagar Kothari, learned counsel for the respondent. 3. This Appeal is filed under Section 37(1)(b) of the Arbitration and Conciliation Act, 1996 read with Section 13(1A) of Commercial Court Act, 2015, challenging final order dated 08.09.2026 passed by learned Presiding Officer, Commercial Court/ Additional District Judge, Dehradun in Arbitration Case No.50/2026. By the said order, application filed under Section 9 of the Arbitration and Conciliation Act, 1996 by respondent (M/s Surat Singh & sons) was partially allowed to the extent that remarks made by CWE and Garrison Engineer (Project), Military Engineering Services, Dehradun Cantt, Dehradun against him shall not have any effect for a period of four months or till filing of petition under Section 17 of the Act. 4. Learned counsel for appellant submits that respondent was awarded contract for work of "completion of incomplete work for provision of drill square at IMA, Dehradun (2nd risk and cost contract)", however, he did not complete the work within stipulated time; time is the essence of the contract, however, despite two extensions

granted to respondent, he failed to complete the work within extended time. Now, the contract has been terminated on 30.07.2026.

5. Learned counsel for appellant submits that some adverse remark was made against respondent by Commander Works Engineering in the Work Load Return report of the contract and after issuing show cause notice, the contractor had given undertaking that he will complete the work within extended time, but, he failed to complete the work even within extended time. Thus, she submits that learned Commercial Court was not justified in disturbing adverse remarks made against the contractor.

6. Learned counsel for appellant submits that her client apprehends that respondent will again participate in tender process for the balance work, therefore, this appeal is filed.

7. Learned counsel for respondent submits that his client will not participate in tender process for balance work of IMA, Dehradun. Since learned Commercial Court has kept adverse remarks made against respondent in abeyance for a period of four months or till filing of Section 17 application whichever is earlier, therefore, this Court does not find any reason to interfere in the matter. Appeal is disposed of in terms of submissions made by learned counsel for the parties.

(Subhash Upadhyay, J.)
25.11.2026

(Manoj Kumar Tiwari, A.C.J.)
25.11.2026

SS/PP