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MP-3912-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

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HON'BLE SHRI JUSTICE PRADEEP MITTAL

ON THE 24th OF FEBRUARY, 2026MISC. PETITION No. 3912 of 2025*M/S A R RESOURCE MANAGEMENT CONSULTANTS**Versus**MP ROAD TRANSPORT CORPORATION AND OTHERS*

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Appearance:

Shri Tabrez Sheikh - Advocate for petitioner.

Shri Aditya Awasthi and Shri Vasu Jain - Advocate for respondent
No.1.Smt. Janhavi Pandit - Additional Advocate General for respondent
No.2/State.Shri Manish Singh - Managing Director of MPRTC is present in
person.
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ORDER

Per. Justice Vivek Rusia

This writ petition is filed by the petitioner under Article 227 of the Constitution of India, challenging the order dated 16.06.2025 whereby the Executing Court has dismissed the execution proceedings due to non-payment of process fee for service to the respondent. The execution proceeding has been pending for more than 10 years, and the respondent has not been responding to the notice/summons, and the petitioner kept on



paying the process fee. Therefore, vide order dated 07.01.2026, we called upon the respondent no.1 to file an affidavit of the Managing Director as to why the amount pursuant to the award dated 27.10.2008 has not been paid to the petitioner to date.

2. On 20.02.2026, since no one was present on behalf of the respondents, Smt. Janhavi Pandit, Additional Advocate General, was directed to inform the Managing Director, failing which the office will issue an arrest warrant for securing their presence.

3. Today, Shri Manish Singh, Managing Director of M.P. Road Transport Corporation, is present through advocate, and the affidavit in compliance with the order dated 20.02.2026 has also been filed.

4. As per the affidavit, an award was passed by the Arbitration Tribunal on 27.10.2008 directing the respondent to pay Rs. 1.50 Crore to the petitioner along with interest @ 12% p.a. from 30.03.2004 to 27.10.2008 and further interest payable @ 18% p.a. if the amount is not paid within the stipulated time period. Against the said award, an application under Section 34 of the Arbitration and Conciliation Act, 1996 had already been dismissed. Thereafter, an Arbitration Appeal No.06 of 2012 was filed and is pending before this Court.

5. Vide order dated 11.12.2013, this Court in Arbitration Appeal directed to deposit Rs.50 Lacs in the Executing Court. Thereafter, an application for modification was filed, which was dismissed vide order dated 11.11.2014. The respondent no.1/Corporation approached the Apex Court by way of SLP and the same was dismissed on 19.07.2016. Thereafter, Cabinet



decided to pay the balance amount, subject to the outcome of the Arbitration Appeal. During the pendency of the appeal, the respondent no.1/Corporation has deposited Rs. 3,83,00,000/- before the Executing Court, and that amount has been disbursed to the petitioner. The counsel appearing for the petitioner is not disputing the above facts.

5. Shri Manish Singh, Managing Director, has produced a demand draft of Rs.3,32,31,838/- to make the entire amount payable in the execution proceedings. Let the balance amount also be deposited in the Executing Court, but the execution case has already been dismissed vide order dated 16.06.2025.

6. In view of above, impugned order is quashed and the execution case is hereby restored. The respondent shall appear on the next date of hearing before the Executing Court on 10.03.2026, along with a demand draft of Rs.3,32,31,838/-, to be deposited in the Executing Court.

7. We have also perused the order sheets of Arbitration Appeal No.06 of 2012, which has been listed for final hearing, but no one is taking an interest in arguing the same finally. Let the Arbitration Appeal be finally decided, preferably within a period of six months from today. Till then, the amount of Rs.3,32,31,838/- so deposited shall lie in the Executing Court, and the same shall be released after disposal of the aforesaid Arbitration Appeal.

8. Since more than 10 years, the respondent, being a judgment debtor, has not taken any interest in the execution proceedings. The petitioner/degree holder, has been paying the process fee a number of times, but no response from the respondent side. Because of this irresponsible attitude, the liability



to pay interest on the principal amount has fallen on the Corporation. It is very unfortunate that against the awarded amount of Rs. 1.50 Crore, the Respondent/Corporation is going to pay more than Rs 6.00 Crores. Had the amount under execution been deposited before the Executing Court, the liability to pay interest would not have come on the corporation. This is nothing but misuse and wastage of public money, for which responsibility should have been fixed on the officers concerned dealing with this matter.

9. With the aforesaid, Misc. petition is disposed of.

(VIVEK RUSIA)
JUDGE

(PRADEEP MITTAL)
JUDGE

m/-