

2025 LiveLaw (SC) 919

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
MANOJ MISRA; J., UJJAL BHUYAN; J.**

September 15, 2025

Civil Appeal No. 11840/2025 @SLP (C) No. 20480 of 2025

CHAKARDHARI SUREKA *versus* PREM LATA SUREKA THROUGH SPA & ORS.

Arbitration and Conciliation Act, 1996 (A&C Act) – Held, execution of an arbitral award cannot be stalled merely on the ground that an appeal under Section 37 of A&C Act is pending - Pendency of Section 37 appeal does not by itself, operate as a stay against execution of an arbitral award - Unless there is an express interim order staying enforcement the award-holder retains the right to proceed with execution - Execution Court should address objections to executability of the award as raised but cannot defer consideration of the execution application solely because of a pending appeal without any stay order.

For Appellant(s): Mr. Kunal Kalra, Adv. Ms. Kanika Bansal, Adv. Mr. Ayush Anand, AOR Mr. Monu Kumar, Adv. Mr. Ritu Raj, Adv.

For Respondent(s): Ms Malvika Trivedi, Sr. Adv. Mr Sachin Yadav, Adv. Ms Sangeeta Vazirani, Adv. Mr Deepak Joshi, AOR Mr Shivam Yadav, Adv. Mr Sanjay Sharma, Adv. Mr Nadeem Saifi, Adv.

ORDER

1. Leave granted.
2. Heard learned Counsel for the parties.
3. The short issue that arises for our consideration is whether the Execution Court should defer the proceedings *qua* execution of the award only because an appeal under Section 37 of the Arbitration and Conciliation Act, 1996 (for short the Act) is pending against rejection of an application under Section 34 of the Act.
4. It is not in issue that an objection under Section 34 of the Act was preferred against the arbitral award which has been rejected. Though an appeal under Section 37 of the Act is pending, there is no stay order operating against the award. The decree-holder has put the award into execution. By the impugned order dated 09.05.2025, the Executing Court (i.e., the High Court of Delhi) has adjourned the hearing on the execution side by observing that the appeal is pending.
5. The learned counsels appearing for the parties are not in issue over the fact that there is no interim order operating against the award though the appeal preferred under Section 37 of the Act is pending. They, however, are in issue as regards executability of the award as, according to respondents, certain objections in that regard have been raised.
6. In our view, the question of executability of the award can be gone into by the Execution Court in accordance with law while addressing objections as and when raised. However, it would not be proper for the Execution Court to defer consideration of the execution application and the objections thereto only because an appeal is pending under Section 37 when there is no interim order operating against the award against which objection under Section 34 of the Act stands rejected.
7. In view of the above, we deem it appropriate to dispose of this appeal by observing that subject to any interim order passed in the appeal pending under Section 37 of the Act, the Execution Court shall be free to proceed with the execution of the award in accordance with law. Needless to observe that if any objection is raised as regards executability of the

award, the same shall be addressed in accordance with law after giving opportunity of hearing to the parties concerned.

8. With the aforesaid observations, the appeal is disposed of.
9. Pending application(s), if any, shall stand disposed of.

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