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IN THE HIGH COURT OF DELHI AT NEW DELHI

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OMP (ENF.) (COMM.) 27/2016

S.R.ENGINEERING CONSTRUCTION Decree Holder
Mr. Ghanshyam Das Dhiman, in person.

versus

UNION OF INDIA & ORS Judgment Debtors
Through: Mr. Prasanta Varma, Senior Govt.
counsel for R-1 to R-3.

CORAM: JUSTICE S.MURALIDHAR

ORDER

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30.11.2016

RP No. 521./2016 (review the order dated 8th August 2016)

1. This is an application filed by the Applicant/Decree Holder ('DH') who appears in person seeking review of the order dated 8th August 2016.
2. The grievance is that the petition before the Additional District Judge ('ADJ'), Chandigarh filed by the Judgment Debtor ('JD') No. 1 under Section 34 of the Arbitration and Conciliation Act 1996 ('Act') is not being decided and in the meanwhile the Petitioner is deprived of the deposit of Rs. 48,40,431 made by JD No.1 in these proceedings.
3. The DH who appears in person produces a copy of order dated 23rd October 2015 passed by the ADJ, Chandigarh returning the execution petition filed there by the DH for being presented in the Court of competent jurisdiction. This was because JD No. 1 arrayed in that petition, i.e., Union

of India, was shown to be headquartered in New Delhi. In any event since the petition under Section 34 of the Act challenging the impugned Award dated 16th May 2015 was filed on 20th August 2015 before the Court of the ADJ, Chandigarh and is still pending consideration, there is an automatic stay of enforcement of the Award. There is no ground made out for review of the order 8th August 2016.

4. The DH who appears in person states that he is facing tremendous hardship on account of the awarded amount not being able to be withdrawn by him.

5. In the circumstances, it is directed that subject to the DH furnishing a bank guarantee ('BG') for the amount deposited by JD No. 1 in this Court together with interest that may be accrued thereon upto the date of its release in favour of the DH, to the satisfaction of the Registrar (Original) of this Court, the aforesaid said amount deposited by the JD No.1 together with interest accrued thereon shall be released to the DH. The BG will include an undertaking that in the event JD No. 1 ultimately succeeds in the petition under Section 34 of the Act, the said amount released together with the accrued interest if any shall be refunded to JD No. 1 together with further amount of interest as may be directed by the Court.

6. For the above purpose, the matter be placed before the Registrar (Original) on 12th January 2017. The review petition is disposed of.

S. MURALIDHAR, J

NOVEMBER 30, 2016/Rm