

\$~21

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM APPL. 8290/2016 in RFA 316/2005

FINOLEX CABLES LTD.

..... Appellant

Through: Mr. Nitinja Chaudhry, Advocate.

versus

HINDUSTAN VIDYUT PRODUCTS LTD.

..... Respondent

Through: Mr. B. Mohan with Ms. Harsh Lata,
Advocate for respondent No.1/applicant.

CORAM:

HON'BLE MR. JUSTICE V.K. SHALI

ORDER

% **04.03.2016**

1. This is an application seeking clarification/modification of the order dated 29.01.2016 passed by this court. Mr. B .Mohan, learned counsel for respondent No.1/applicant has pointed out that in the said order dated 29.01.2016, it was inadvertently got recorded at the instance of learned counsel for the parties that they have deposited an amount of Rs.17,73,385/- with the Registrar General in terms of the decree passed by the trial court, out of which a sum of Rs. 7,00,000/- was directed to be released to the appellant herein and the balance amount which was kept in a fixed deposit along with interest accrued thereon till date was directed to be released to the respondent.

2. It has been stated that the aforesaid statement was made on account of the fact that the actual amount, which was deposited by the

appellant was only a sum of Rs.16,74,977/- and not a sum of Rs. 17,73,385/-. The same needs to be corrected in the impugned order. The learned counsel for the appellant does not contest the submission made by the learned counsel for the respondent.

3. It has also been contended by Mr. B. Mohan, learned counsel for the respondent that having made the aforesaid correction, the only thing, which needs to be observed by the court is that out of the total principle amount and the interest accrued thereon only an amount of Rs.7,00,000/- is to be released to the appellant and the balance amount of Rs. 16,74,977/- along with interest accrued thereon till date be released to the respondent. This submission has also not been contested by learned counsel for the appellant.

4. Having regard to the submissions made by learned counsel for the parties, order dated 29.01.2016 stands corrected to the extent that wherever the statement of the learned counsel for the respondent is indicating that the appellant has deposited an amount of Rs. 17,73,385/- that should be read as the amount of Rs. 16,74,977/-. So far as the disbursal of the amount is concerned, there shall be no change inasmuch as out of the aforesaid amount only an amount of Rs. 7,00,000/- shall be released to the appellant, while the balance amount of Rs. 10,74,977/- along with interest accrued thereon till date shall be released to the respondent.

5. Ordered accordingly. Decree shall be modified in terms of the aforesaid clarification. Registry is directed to release the amount to the respective sides, as expeditiously as possible, preferably within a period of four weeks from today.

6. In view of the aforesaid, the present application stands disposed of.

V.K. SHALI, J

MARCH 04, 2016 / n