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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 441/2016

EMAAR MGF LAND LIMITED

..... Petitioner

Through: Mr. Abhijat, Advocate with Mr. Sarad
K. Sunny and Mr. Tarang Gupta,
Advocates.

versus

JAIWANT DAULAT SINGH & ORS

..... Respondents

Through: Mr. Amitabh Chaturvedi, Advocate with
Mr. Sumir K. Shukla, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

22.08.2016

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Present contempt petition has been filed alleging wilful disobedience of the judgment and order dated 22nd February, 2016 passed by a Coordinate Bench of this Court in O.M.P.(I) 432/2015.

The principal allegations in the present contempt are that the respondents had not deposited the amount of Rs.1,06,48,343/- and was not coming forward to join arbitration proceedings, despite their consent.

However, upon a modification/clarification application filed by the parties, the Coordinate Bench of this Court vide its order dated 30th May, 2016 observed as under:-

“4.

With regard to modification in para 12 of my order, the request of the petitioners is rejected, as it is very difficult to

recall the statement of a counsel whether the same was made or not. Once it is recorded, it is not possible to delete the same. As and when any petition on behalf of the petitioners is filed for independent arbitration proceedings, the same would have to be decided as per its own merit. It is for the said Court to decide whether the respondent would be able to derive any benefit out of it or not.”

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9. On the other hand, Mr. Sibal, learned Senior counsel appearing on behalf of the petitioners, states that the petitioners have various counter-claims against the respondent. The said claims are yet to be decided by the Arbitral Tribunal. The said amount is a disputed amount and it should not be released to the respondent. There is force in the submission of the learned counsel for the petitioners. Under these circumstances, I am not inclined to pass the order of releasing the amount to the respondent at this stage. The Arbitrator is requested to publish the award within 12 months from today. Till that time, the Registrar General of this Court to invest the said amount in FDR. As and when the Award is rendered, liberty is granted to the parties to withdraw the amount in terms of the findings arrived in the award. The respondent's application is accordingly disposed of.”

Today admittedly, the amount directed to be deposited by this Court in O.M.P.(I) 432/2015 has been deposited by the respondent.

Learned counsel for respondents assures and undertakes to this Court that an application for appointment of an independent Arbitrator shall be filed within a period of three weeks.

At this stage, learned counsel for petitioner does not wish to press the present petition.

Consequently, present contempt petition is disposed of as not pressed. However, respondents are held bound by the statement of their counsel.

Further, in the event, the respondents are aggrieved by the non-compliance of the order, they are given liberty to file appropriate proceedings in accordance with law.

MANMOHAN, J

AUGUST 22, 2016

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