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

+ **FAO(OS) (COMM) 63/2016**

ORGANIZING COMMITTEE

COMMONWEALTH GAMES, 2010

..... Appellant

Represented by: Ms.Archana Lakhotia,
Advocate.

versus

PICO DEEPALI OVERLAYS CONSORTIUM

..... Respondent

Represented by: None.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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09.08.2016

CM No.28626/2016

1. For the reasons stated in the application 67 days' delay in re-filing the appeal is condoned.

2. Application is disposed of.

CM No.28627/2016

Allowed subject to all just exceptions.

FAO(OS) (COMM) 63/2016

1. The appellant is aggrieved by the impugned order dated March 08, 2016 disposing of OMP (ENF.)(COMM.) No.3/2016. The learned Single Judge has noted that an award in favour of the respondent has not been interdicted by the learned Single Judge of this Court evinced by the fact that OMP (COMM.) No.30/2015 filed by the appellant against the award has been dismissed. Direction issued vide impugned order is for the judgment debtor i.e. the appellant to deposit the decretal sum which includes pendente lite interest alongwith future interest as per the award. The deposit has to be

made within four weeks.

2. The four weeks have long since elapsed.

3. As per the impugned order if the deposit is not made the decree holder has been granted the right to seek orders for attachment.

4. Learned counsel for the appellant states that till date the decree holder has not filed any application for attachment.

5. In the appeal it is brought to the notice of this Court that against the order passed by the learned Single Judge dismissing objections filed to the award, FAO(OS)(COMM.) No.10/2016 has been filed. Notice was issued in the same. On July 14, 2016 the appellant concluded submissions. Next date fixed for arguments on behalf of the respondent is August 17, 2016.

6. Though no stay has been granted in the appeal filed by the appellant against the decision of the learned Single Judge refusing to interdict with the award the understanding appears to be till the appeal is decided execution would be on hold and this is reflected in the fact that till date the respondent has not sought any attachment.

7. In view of the aforesaid facts the instant appeal is disposed of observing that in case the respondent was to seek orders for attachment the learned Single Judge would defer passing orders till FAO(OS)(COMM.) No.10/2016 is decided. It would be open to the respondent to seek appropriate orders either in FAO(OS)(COMM.) No.10/2016 if or for some reason the same is not decided expeditiously.

8. No costs.

PRADEEP NANDRAJOG, J.

PRATIBHA RANI, J.

AUGUST 09, 2016/ 'st'
FAO(OS) (COMM) 63/2016