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

% Judgment delivered on: 01.08.2017

+ OMP (ENF.) (COMM.) 54/2017

DAMAYANTI BUILDERS

..... Decree Holder

versus

UNION OF INDIA & ORS.

..... Judgment Debtors

Advocates who appeared in this case:

For the Petitioner : Mr. D. Moitra, Advocate.

For the Respondent : Mr. Ruchir Mishra with Mr. Mukesh Kumar
Tiwari, Advocates.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

01.08.2017

SANJEEV SACHDEVA, J. (ORAL)

**OMP (ENF.) (COMM.) 54/2017 & IA No.4499/2017 (for
attachment of properties of Judgment Debtor)**

1. The petitioner, by the present petition, seeks execution of arbitral award dated 28.10.2010, passed by Justice Satpal (Retd.), Former Judge of Delhi and Punjab & Haryana High Court.

2. The Judgment Debtors had filed a petition under Section 34 of the Arbitration & Conciliation Act, 1996 (hereinafter referred to as

‘the Act’), impugning the award.

3. The petition filed under Section 34 of the Act has been dismissed by order dated 07.02.2017. Subsequent to dismissal of the petition filed under Section 34, the present execution petition has been filed contending that no notice of appeal under Section 37 has been received.

4. By order dated 17.04.2017, the Judgment Debtors were directed to deposit the entire awarded amount including interest in court. The Judgment Debtors have deposited a cheque in the sum of Rs.17,94,412/-. The said amount has been invested in an interest bearing fixed deposit by the Registry of this court.

5. Learned counsel for the Judgment Debtors submits that no appeal under Section 37 has been filed till date. He submits that the concerned Department has put up the file for approval of the Ministry on their recommendation for filing of an appeal.

6. The petition under Section 34 of the Act was dismissed on 07.02.2017. Admittedly, till date neither any appeal has been filed nor any objections to the execution have been filed. There is thus no impediment to the release of the amount deposited in court.

7. Accordingly, the Registry is directed to encash the fixed deposit and release the said amount of Rs.17,94,412/- along with the accrued interest, if any, on the said amount to the Decree Holder in full and

final satisfaction of the decree.

8. On payment of the said amount, the decree shall stand satisfied.

9. The execution petition is, accordingly, disposed of.

AUGUST 01, 2017
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SANJEEV SACHDEVA, J

