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

\+ OMP (ENF.) (COMM.) 163/2016

KOTHARI ASSOCIATES (PVT.) LTD ..... Petitioner
Through Mr.Anusuya Salwan, Advocate

versus

DR. B.L. KAPUR MEMORIAL HOSPITAL ..... Respondent
Through Mr.Amit Dubey & Mr.Amber, Advocates

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

<u>O R D E R</u>

% 26.07.2017

1. The award dated 10.07.2013 was passed in favour of the decree holder for a sum of Rs.41 lacs. The decree holder was also awarded interest @ 12% on the sum of Rs. 41 lacs from 13.09.2008 till payment is made. The decree holder was also awarded costs of Rs. 1,00,000/-. It is admitted by the parties that including the interest total amount payable by the judgment debtor is Rs.83 lacs.

2. The learned counsel for the judgment debtor has pointed out that a payment of Rs.74.70 lacs has been made to the decree holder. Today, TDS Certificate totalling Rs.8.3 lacs has been handed over to the decree holder. He submits that hence a total Rs.83 lacs has been paid to the petitioner in full and final settlement of the award/decree.

3. The learned counsel for the decree holder submits that as per agreement between the parties, the service tax is also the liability of the

respondent. She submits that Rs.6.15 lacs are also payable by the respondent on account of the service tax.

4. It is clear that the judgment debtor has paid the entire awarded amount/decreetal amount. The issue of service tax has not been dealt with by the learned Arbitrator. It is not for this court to go behind the award/decree. Accordingly, award stands satisfied. The petition stands disposed of.

5. Needless to say that the decree holder is free to take steps regarding its alleged claim relating to service tax, if available, as per law.

JAYANT NATH, J.

JULY 26, 2017/v