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

+ **EFA(OS) 23/2017**

**NATIONAL AGRICULTURAL COOPERATIVE MARKETING
FEDERATION OF INDIA LTD** Appellant

Through : Mr. A.K. Thakur, Mr.Aaditya
Vijaykumar, Mr. Anurag Tiwari,
Advocates.

versus

ALIMENTA S A Respondent

Through : Mr. Arvind K. Nigam, Senior
Advocate with Mr.Shailendra
Swarup, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MS. JUSTICE PRATHIBA M. SINGH

ORDER

% **13.11.2017**

CM APPL. 38815/2017 IN EFA(OS) 23/2017

1. Learned counsel for the non-applicant/appellant states that he has obtained instructions and the figure of Rs.66,84,73,925/- in the order dated 23.10.2017 may be substituted with Rs.96,48,41,675/-. This statement is being made without prejudice to the rights and contentions of the non-applicant/appellant.

2. Counsel for the non-applicant/appellant further states that certain issues have arisen including the question whether interest is payable by the non-applicant/appellant on the amount of Rs.22.5 crores received on

encashment of the Bank Guarantee which was later converted into an FDR.

3. Learned counsel for the applicant/respondent states that these aspects and issues are pending consideration before the learned Single Judge in the Execution Proceedings, where arguments have already been commenced and are being heard.

4. Learned counsel for the non-applicant/appellant states that this is factually correct and they are raising and making submissions on issues and contentions before the learned Single Judge.

5. We accordingly, dispose of the application by substituting the figure of Rs.66,84,73,925/- as recorded in clause (ii) of the order dated 23rd October, 2017 with the figure of Rs.96,48,41,675/-. We clarify that we have not commented on the merits of the appeal/case or made any observation with regard to issues which are pending before the Execution Court.

6. The application is disposed of in the above terms.

7. Order will be given *Dasti*.

SANJIV KHANNA, J

PRATHIBA M. SINGH, J

NOVEMBER 13, 2017

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