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

+ OMP (ENF.) (COMM.) 142/2017 & IA No. 5697/2018

SSANGYONG ENGINEERING & CONSTRUCTION
CO. LTD.

..... Petitioner

Through: Mr Navin Kumar and Ms Rashmeet
Kaur, Advocates.

versus

NATIONAL HIGHWAY AUTHORITY OF
INDIA

..... Respondent

Through: Mr Rajiv Kapoor, Mr Rashid Azar
and Mr Srikant Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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17.05.2018

1. The learned counsel appearing for the parties state that the entire awarded amount of a sum of ₹12,95,12,827/- has been deposited by the respondent with the Registry of this Court in discharge of the arbitral award dated 09.06.2017. The respondent had challenged the aforesaid award by filing an application under Section 34 of the Arbitration and Conciliation Act, 1996, which was disposed of on 16.03.2018. It is stated that although the time for filing the appeal against the decision of this Court has expired, no such appeal is preferred as yet.

2. Mr Kapoor, learned counsel appearing for the respondent states that the respondent has received communications from the Economic Offence Wing, *inter alia*, directing that no funds be disbursed by the respondent to the petitioner and its accounts be frozen.

3. He further states that if the sums are to be disbursed to the petitioner the same be done against an affidavit affirming that the said funds would be refunded if so directed by any Court.
4. The learned counsel appearing for the petitioner states that the notices issued by the Economic Offence Wing were challenged by the petitioner; one of them has been quashed and the challenge to the other is pending in this Court.
5. As far as the direction given by the Economic Offence Wing to the respondent, the same does not concern this Court as the amount stands deposited with the Registry of this Court and no request has been received for not releasing the said funds.
6. Accordingly, the Registry is directed to disburse the amount deposited by the respondent along with interest, if any, to the petitioner subject to the petitioner furnishing an undertaking by way of an affidavit that the said funds would be returned in the event so directed.
7. The petition is disposed of in the above terms. All pending applications are also disposed of.

VIBHU BAKHRU, J

MAY 17, 2018
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