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

+ **OMP (ENF.) (COMM.) 160/2017**

PRITHVI ASSOCIATES

..... Decree Holder

Through Mr Darpan Sachdeva, Advocate.

versus

SOUTH DELHI MUNICIPAL CORPORATION..... Judgment Debtor

Through Mr Sandeep bajaj, Mr Soayib Qureshi,
Mr Naman Tandon, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **01.06.2018**

IA No. 8030/2018

1. The Decree Holder has filed the present application seeking a direction to the Registry of this Court to disburse the amount deposited by the Judgment Debtor.
2. The Decree Holder has filed the above captioned petition under Section 36 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act') for enforcement of the arbitral award dated 11.08.2017. It is not disputed that the Judgment Debtor has deposited the entire awarded amount with the Registry of this Court.
3. The Judgment Debtor had challenged the award sought to be enforced under Section 34 of the Act; however, the same was rejected by this Court. The learned counsel appearing for the Judgment Debtor states that the Judgment Debtor's appeal under Section 37 of the Act was also dismissed

on 11.04.2018. However, the order is not available as yet and, therefore, the Judgment Debtor has been unable to explore the possibility of availing any further remedies. Be that as it may, it cannot be disputed that the Decree Holder is now entitled to receive the awarded amount.

4. In the circumstances, this Court considers it apposite to dispose of the present petition by directing the Registry of this Court to release the awarded amount to the Decree Holder against a bank guarantee with a validity period of 90 days from today. In the event, the Decree Holder is unable to furnish the said bank guarantee, the said amount would be released to the Decree Holder unconditionally after the expiry of 90 days from today. Needless to state that this is subject to any order that may be passed in any proceedings that may be preferred by the respondent.

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

6. Order *dasti* under the signature of Court Master.

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7. Since, the learned counsel for the parties state that the entire awarded amount has been deposited by the Judgment Debtor with the Registry of this Court, no further orders are required to be passed in this petition. The petition is disposed of.

8. The date already fixed for 16.08.2018 stands cancelled.

VIBHU BAKHRU, J

JUNE 01, 2018

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