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

+ OMP (ENF.) (COMM.) 115/2019

M/S HOSMAC PROJECTS DIVISION OF HOSMAC INDIA

PRIVATE LIMITED

..... Decree Holder

Through: Mr. Nakul Dewan, Sr. Advocate with
Mr. Pradhuman Gohil, Ms. Ranu Purohit, Ms.
Neelu Mohan and Mr. Sambit Nanda, Advocates

versus

MINISTRY OF HEALTH AND FAMILY

WELFARE & ANR.

..... Judgement Debtors

Through: Ms. Maninder Acharya, ASG with Mr.
Praveen Kumar Jain, Advocate with Ms. Gayatri
Mishra, Joint Secretary, Dr. Yashwant Singh,
Addl. M.S, RML Hospital, Sh. G.P. Samanta, US
of M/o. Health and Family Welfare and Sh. Pankaj
Kumar Sinha, DDA of RML Hospital

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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27.01.2020

Ex. Appl. (OS) 45/2020

This is an application filed by the Judgment Debtor seeking an *ex parte* order staying the operation of the judgment dated 17.10.2019 passed by this Court in Execution Petition bearing OMP(Enf.)(Comm) 115/2019, which was disposed of by recording the consent of the Judgment Debtors. While this Court finds no merit in the prayer made in the application, however, pursuant to the hearing held before this Court on 17.01.2020 at some length, parties have agreed that an amount of Rs.10,31,97,512.28 (i.e.

Rs.10,06,97,512.28 towards principal amount and Rs.25,00,000/- towards costs of proceedings) will be paid to the Decree Holder on or before 31.03.2020. It is further agreed between the parties that the remaining amount on account of interest as on 14.10.2019 amounting to Rs.6,43,84,587.50 (i.e. Rs.4,03,88,200/- towards Pre-litigation interest (+) Rs.1,00,80,786.50/- towards pendent lite interest (+) Rs.1,39,15,601/- towards future interest) will be deposited with the Registry of this Court on or before 31.03.2020.

With the consent of the parties, the following order is passed :-

- (i). The Judgment Debtors will pay to the Decree Holder an amount of Rs.10,31,97,512.28 (i.e. Rs.10,06,97,512.28 towards principal amount and Rs.25,00,000/- towards costs of proceedings) on or before 31.03.2020.
- (ii). Balance amount towards interest as on 14.10.2019 amounting to Rs.6,43,84,587.50 (i.e. Rs.4,03,88,200/- towards Pre-litigation interest (+) Rs.1,00,80,786.50/- towards pendent lite interest (+) Rs.1,39,15,601/- towards future interest) will be deposited with the Registry of this Court on or before 31.03.2020.
- (iii). The amount so deposited will be invested by the Registry in an interest bearing Fixed Deposit with a Nationalized Bank, till further orders of the Court.
- (iv). In case the Decree Holder files an application seeking release of the amount, which would be deposited by the Judgement Debtors with the Registry of this Court, the Decree Holder will furnish a bank guarantee as a security to secure the amount.

Needless to state that the payment made by the Judgement Debtors to the Decree Holder, as well as deposited with this Court will be without

prejudice to the rights and contentions of the parties in the appeal under Section 37 of the Arbitration and Conciliation Act, 1996 being FAO (OS)(COM) 326/2019, pending before a Division Bench of this Court, as well as the right of the decree holder to be entitled to interest on the principal sum until it is deposited in this court.

The application is disposed of in above terms.

JYOTI SINGH, J

JANUARY 27, 2020

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