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IN THE HIGH COURT OF DELHI AT NEW DELHI
O.M.P. (COMM) 463/2018
NATIONAL HIGHWAYS AUTHORITY OF INDIA THROUGH
THE PROJECT DIRECTOR, NHAI Petitioner

Through Ms. Yamunah Nachiar, Advocate
(Enrolment No.D/779/1997(R))

versus

REENGUS SIKAR EXPRESSWAY LTD Respondent

Through Mr. Pranshu Paul, Advocate
(Enrolment No.D-2689/2015) along
with Mr. Ajai Kumar Singh Chauhan

CORAM:

SH. DINESH KUMAR SHARMA, REGISTRAR GENERAL

ORDER

% **31.07.2019**

Vide order dated 22.11.2018, the Hon'ble Court has inter alia
passed the following order:-

“5. Subject to the petitioner depositing 50% of
the awarded amount within a period of eight weeks
in this Court, there shall be stay of operation of the
impugned Award dated 5.7.2018 till further orders
unless varied by the Court.”

Subsequent thereto vide order dated 11.04.2019, the Hon'ble
Court has inter alia passed the following order:-

“44. The petitioner, pursuant to the interim order
dated 22.11.2018 passed in the present petition has
deposited certain amounts with the Registry of this
Court. The parties shall jointly approach the
Registrar General of this Court with the
computation of the amounts that would have to be
released to either party in terms of the Arbitral
Award as modified by the present judgment.”

In compliance of the abovesaid orders, learned counsel for
both the parties have submitted that as per the award of the Hon'ble

Arbitral Tribunal dated 05.07.2018 an amount of Rs. 76,39,42,353/- was awarded to the respondent and pursuant to the order of the Hon'ble Court dated 22.11.2018, 50% (Rs.38,19,71,177) of the above stated amount was deposited by the petitioner. They further submitted that Hon'ble Court directed both the parties to jointly approach the Registrar General of this Court with the computation of the amounts that would have to be released to either party in terms of the Arbitral Award as modified by the present judgment.

In compliance of the above said orders, respondent has filed calculation vide IA No.8452/2019 before the Hon'ble Court which was taken on record by the Hon'ble Court vide order dated 31.05.2019 and petitioner has also submitted its calculation vide IA No.9823/2019, which was also taken on record by the Id. Joint Registrar of this Hon'ble Court vide order dated 24.07.2019.

As per calculation filed by the petitioner, the petitioner has admitted that the amount of Rs.36,07,97,044/- is to be released to the respondent and raised dispute on the remaining amount of Rs.2,11,74,133/-. Learned counsel for the petitioner further requests that the amount of Rs.36,07,97,044/- may be released in favour of the respondent company.

On the other hand learned counsel for the respondent also disputed the balance amount of Rs.2,11,74,133/- and other amounts as claimed in the IA No.8452/2019. Learned counsel for the respondent further requests that the amount of Rs.36,07,97,044/- may be released to the respondent company in the name of "Reengus Sikar Expressway Ltd. (A/c No. 50200020215330)".

Learned counsel for the both the parties further request that

the matter may be placed before Hon'ble Court for deciding the disputed balance amount of Rs.2,11,74,133/-.

Statements of Ms. Yamunah Nachiar, Advocate (Enrolment No.D/779/1997(R)) for the petitioner, Mr. Pranshu Paul, Advocate (Enrolment No.D-2689/2015) for the respondent and Mr. Ajai Kumar Singh Chauhan, authorised representative of the respondent company have been recorded separately.

In view of the above, Registrar (B&A) is directed to release the amount of Rs.36,07,97,044/- to the respondent company in the name of "Reengus Sikar Expressway Ltd. (A/c No. 50200020215330)" after due verification and receipt.

The Registry is directed to list the matter before Hon'ble Court, for further appropriate directions.

DINESH KUMAR SHARMA
REGISTRAR GENERAL

JULY 31, 2019

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