

IN THE HIGH COURT OF BOMBAY AT GOA**MISC. CIVIL APPLICATION NO.23 OF 2020****IN****EXECUTION APPLICATION NO.28 OF 2015**

Bandwidth Shipping Corporation

... Applicant

Versus

National Centre for Antarctic & Anr.

... Respondents

Ms F. Sethna, Advocate for the Applicant.

Shri Gaurish Agni and Shri M. Kenkre, Advocates for the Respondent.

Coram:- DAMA SESHADRI NAIDU, J.**Date:- 24th September 2020****P.C. :**

The applicant is the decree-holder; and the respondent, the judgment debtor. In these execution proceedings, the respondents have paid the award amount. So the award stands satisfied. Then, before the applicant could draw the money, it faced, as its learned counsel puts it, a technical problem.

2. According to Ms Sethna, the learned counsel for the applicant Corporation, the Corporation is an overseas company with no bank account in India. To encash the cheque to be drawn in its favour, the Corporation would face technical problems. Therefore, it has authorized its counsel to have the cheque on its name.

3. On the last occasion, this Court, through elaborate order, raised certain queries. Now, Ms Sethna informs the Court that those queries stand satisfied.

4. Given the quantum of the award, I had felt it safe to put the respondents on notice about the substitute arrangement for the cash withdrawal. So I put them on notice. Indeed, Shri Gaurish Agni, the learned counsel, appeared for the respondents. He has repeatedly stressed that the respondent has nothing to do with the arrangement the applicant

has sought. According to him, this Court must record that the respondent has discharged its liability and whatever arrangement made between the applicant and its counsel should not affect the respondent in any manner.

5. Indeed, it goes without saying that it is the applicant's convenience that weighed with the Court to permit it to draw the decretal money in the manner the Corporation had suggested: through its counsel. And as a matter of abundant caution, I record that the respondent's liability stands discharged.

Under these circumstances, I dispose of this Misc. Civil Application in terms of prayer clause 7(a).

DAMA SESHADRI NAIDU, J.

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NITI K
HALDANKAR

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