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

+ OMP (ENF.) (COMM.) 94/2019 & EX.Appls.(OS) 751/2019,
67/2020

M/S RAKESH BROTHERS Decree Holder
Through: Mr.Avinash Trivedi, Advocate

versus

AREVA T & D INDIA LTD. Judgment Debtor
Through: Mr.Kautubh Sinha, Ms.Surbhi Mehta
and Ms.Rishika Agarwal, Advocate

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **21.01.2020**

1. The petitioner is seeking execution of the award dated 28th July, 2014 passed by the learned Arbitrator.
2. Both the parties have filed the objections to the award which were rejected vide order dated 06th February, 2019.
3. The judgment debtor has deposited Rs.65,00,000/- pursuant to the order dated 19th July, 2019. However, the judgment debtor has raised an objection to the status of the decree holder. The award was passed in favour of the partnership firm, M/s Rakesh Brothers comprising of three partners namely Rakesh Gupta, Sumeet Garg and Chameli Gupta. The partnership firm was reconstituted on 24th November, 2016 after death of Rakesh Gupta on 18th November, 2016. In the meantime, Chameli Gupta also retired and Sumeet Garg and Anurag Gupta sons of Late Rakesh Gupta are present partners to the partnership firm. This Court is satisfied that the decree holder is successor of the partnership firm in whose favour the award was

passed. There is no merit in the objection of the judgment debtor case which is hereby rejected.

4. The amount deposited by the judgment debtor be released to the decree holder within two weeks. The judgment debtor is directed to pay the balance award amount directly to the decree holder by transferring the same to the bank account of decree holder. The counsel for the decree holder shall furnish the particulars of the bank account to counsel for the judgment debtor within one week. The amount deposited by the judgment debtor shall be first adjusted towards interest and thereafter principal in terms of Order XXI Rule 1 of CPC.

5. The judgment debtor shall file the compliance report along with computation within three weeks.

6. This petition is disposed of as satisfied. Pending applications are also disposed of.

7. List for reporting compliance before the Joint Registrar on 25th March, 2020.

8. Copy of this order be given *dasti* to counsel for the parties under signatures of Court Master.

J.R. MIDHA, J.

JANUARY 21, 2020
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