

Via video conferencing

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

+ **O.M.P.(I) (COMM.) 294/2020**

**DSIIDC (DELHI STATE INDUSTRIAL AND INFRASTRUCTURE
DEVELOPMENT CORPORATION)** Petitioner

Through: **Dr.Vikrant Narayan Vasudeva &
Mr.Sarthak Chiller, Adv.**

versus

M/S RAJWANT SINGH Respondent

Through: **Mr.Amit Punj , Adv.**

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **18.09.2020**

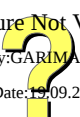
I.A. 8286/2020

1. Exemption allowed, subject to all just exceptions.
2. The applicant will file the requisite attested affidavits in support of the accompanying petition within two weeks of the Court resuming normal functioning.
3. The application stands disposed of.

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4. This is a petition under Section 9 of the Arbitration and Conciliation Act, 1996 seeking following reliefs:-

“a) Direct the Respondent for depositing amount awarded vide Arbitral Award dated 31.01.2020 (Rs.5,92,406 + Rs.20,92,821) with Hon'ble High Court.



b) Direct the Respondent that the Bank Guarantee of Rs.80,00,000/- be kept alive; or Alternatively the amount be deposited with the Hon'ble High Court of Delhi.

c) Direct the Respondent that a Bank Guarantee be taken out by the Respondent to secure the Amount on account of forfeiture of Performance Guarantee (Rs.1,95,55,725/-) and Earnest Money Deposit (Rs.41,75,000/-); or Alternatively the amount be deposited with the Hon'ble High Court of Delhi .

d) Allow the Petitioner to withdraw the Deposited amount.

e) Pass such other and further order(s) as may be deemed appropriate by this Hon'ble Court in the interest of justice.”

5. Learned counsel for the petitioner submits that even though the petitioner is aggrieved by the arbitral award dated 31.01.2020 insofar as it rejects some of the counter claims of the petitioner and, therefore, has assailed the award by way of O.M.P. (COMM) 476/2020, it apprehends that the respondent, in order to render the award a mere paper decree, is likely to dispose of his assets, making it impossible for the petitioner to recover the dues under the award. He, therefore, prays that the respondent be directed to deposit the awarded amount.

6. Mr.Amit Punj, Advocate who appears on behalf of the respondent, on advance notice, submits that the respondent has no intention to dispose of his assets. He further submits, on instructions, that the respondent undertakes to not create any third-party rights in the basement of property no. F-75, Kalkaji, which is owned by Sh. Harnpal Singh, one of the partners of the respondent. He further submits that the value of the said property is more than the awarded amount.

7. In view of the aforesaid stand taken by the respondent, no further

orders are called for in the petition.

8. The respondent will remain bound by its aforesaid undertaking and an affidavit to this effect will be filed within a period of two weeks.

9. The petition is accordingly disposed of in the aforesaid terms.

REKHA PALLI, J

SEPTEMBER 18, 2020

gm

Signature Not Verified

Signed By: GARIMA MADAN
Location:
Signing Date: 19/09/2020
12:07:07

