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

+ **OMP (ENF.) (COMM.) 77/2017**

CHENAB CONSTRUCTION CO Decree Holder
Through: Mr.Sandeep Sharma, Mr.Amit Choudhary,
Mr.Sarthak Mannan and Ms.Kanika Mitra,
Advocates

versus

UNION OF INDIA Judgment Debtor
Through: Mr.Vijay Kumar Pandey, Advocate

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

ORDER

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07.01.2020

1. Learned counsel for the decree holder submits that the amount deposited by the judgment debtor was kept by this Court in an FDR and the FDR was endorsed in favour of the decree holder in terms of the order dated 1st November, 2019.
2. Learned counsel for the decree holder further submits that the award of the arbitration was corrected by the Division Bench vide order dated 1st October, 2018 and the decree holder has calculated the amount according to the order of the Division Bench dated 1st October, 2018. Learned counsel for the decree holder has handed over the calculation sheet according to which the decree holder has received over payment of Rs.10,11,378/-. Copy of the calculation sheet is handed over to learned counsel for the judgment debtor.

3. Learned counsel for the judgment debtor submits that the judgment debtor deposited the award amount with the Registrar General of this Court on 12th April, 2018 and the judgment debtor is not liable to pay interest after the said date which is disputed by learned counsel for the decree holder who submits that the judgment debtor never agreed to the release of the award amount to the decree holder and therefore, the decree holder waited for the payment till the dismissal of the appeal by the Division Bench on 15th October, 2019. It is submitted that the decree holder is entitled to the interest till the receipt of the payment.
4. There is merit in the contention of learned counsel for the decree holder. The judgment debtor shall remain liable to pay the interest till the amount to the decree holder was released to the decree holder.
5. Learned counsel for the decree holder submits that he has received excess amount of Rs.10,11,378/- and the decree holder be permitted to deposit a demand draft for Rs.10,11, 378/- with the Registrar General of this Court. The judgment debtor is permitted to deposit the same with the Registrar General of this Court.
6. Upon deposit of the aforesaid amount, the Registrar General shall release the said amount to the judgment debtor within three weeks.
7. This petition is disposed of as satisfied.
8. Copy of this order be given *dasti* to counsel for the parties under the signatures of the Court Master.

J.R. MIDHA, J.

JANUARY 07, 2020

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