

ORDER SHEET

OD-91

IA No. GA 1 of 2021
In
EC No. 418 of 2016
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION

KAUSHALYA INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED
VERSUS
NATIONAL HIGHWAY AUTHORITY OF INDIA

BEFORE:
The Hon'ble JUSTICE DEBANGSU BASAK
Date: 10th February, 2021.

(Via Video Conference)

Appearance:
Ms. Meenakshi Manot, Adv.

Mr. Dipankar Das, Adv.

The Court :-Learned Advocate appearing for the award-holder submits that, the disputes stand settled out of Court. She seeks leave to withdraw the execution petition and interim application filed therein.

Learned Advocate appearing for the judgment debtor submits that, pursuant to an order dated August 10, 2016, the judgment debtor deposited a sum of Rs.5 (five) crores with the Registrar, Original Side. The judgment debtor was allowed to withdraw a sum of Rs. 48 (fortyeight) lakhs on September 21, 2016. He submits that, the balance amount lying with the Registrar, Original Side along with the accrued interest thereon should be directed to be refunded by the Registrar, Original Side to the judgment debtor.

Since the award-holder is not willing to proceed with the execution petition and the interim application on account of settlement, no fruitful purpose will be subserved by keeping the same pending.

EC No. 418 of 2016 and IA No. GA 1 of 2021 are, accordingly, disposed of.

In the execution petition, orders dated August 10, 2016 and August 21, 2016 were passed. By the order dated August 10, 2016 the respondent was required to deposit a sum of Rs. 5 (five) crores with the Registrar, Original Side which the respondent did. The order dated September 21, 2016 permitted the respondent to withdraw a sum of Rs. 48 (fortyeight) lakhs from the Registrar, Original Side which the respondent did.

In the facts of the present case, it would be appropriate to direct the Registrar, Original Side to refund the balance amount lying with him along with the accrued interest thereon to the judgment debtor within a period of fortnight from the date of communication of this order to him.

Learned Registrar, Original Side is at liberty to encash the fixed deposits on a premature basis if necessary.

The Court is informed that, apart from the deposits with the Registrar, Original Side, the judgment debtor is maintaining a fixed deposit of Rs.3.5 crores to the credit of the award holder.

In view of the execution petition being disposed of the judgment debtor is absolved of the rigours attached to the sum of Rs.3.5 crores. The judgment debtor is at liberty to deal with the same.

(DEBANGSU BASAK, J.)