

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 900 of 2019**

- M/s D.D. Singhal (Contractor) at 30, Industrial Estate, Nandini Road, Bhilai, District Durg (C.G.)

---- Applicant**Versus**

1. Airport Authority of India, a body Corporate Constituted under the Airport Authority of India Act 1994, Head Office, Rajiv Gandhi Bhawan, Safdarganj Airport, New Delhi 3, Branch Office, Raipur Airport Mana Raipur (C.G.)
2. Shri A.P. Paracer, Additional Director General (Retd.) C.P.W.D. L-1/5, Hauz Khas Enclave, New Delhi 1100016.

---- Respondents

For Applicant	:	Shri Parag Kotecha, Advocate.
For Respondents	:	Shri Anumesh Shrivastava, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****26.07.2021**

1. Proceedings of this matter have been taken up through video conferencing.
2. The appeal preferred by the Respondent No. 1 herein has been dismissed by this Court vide order dated 27.10.2017. Thereafter, this MCC has been filed stating that there is no direction with regard to the 50% amount deposited by the Respondent pursuant to the order of this Court dated 10.08.2006. Therefore, the order dated 27.10.2017 be modified and amount be released in favour of the Applicant.
3. Shri Anumesh Shrivastava, learned counsel for Respondent No. 1 would submit that against the order dated 27.10.2017 no further appeal has been preferred by

the Respondent No. 1 and Respondent No. 1 has no objection in releasing the amount in favour of the Applicant.

4. In the considered opinion of this Court, once the appeal is dismissed, the Petitioner/decreed holder is entitled to execute the award in accordance with law and no modification is required. However, the Respondent No. 1 has already deposited the 50% amount as a condition for grant of stay as directed by this Court. Since appeal has already been dismissed and counsel for Respondent No.1 has no objection in releasing the amount in favour of the Applicant, the concerned authority will release the amount in favour of the Applicant expeditiously in accordance with law.
5. With the aforesaid observation, the MCC stands disposed off.

Sd/-
(Sanjay K. Agrawal)
Judge