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

Date of decision: 17.10.2023

+ CM(M) 1637/2023

SCHOLAR ALLEY PVT LTD

..... Petitioner

Through: Mr. Vishal Sharma, Advocate
(Through VC) and Ms. Priyanka
Mandal, Advocate

versus

RAHUL BANSAL AND ANR

..... Respondents

Through: Mr. Hitesh Kumar and Mr. Ankit
Rana, Advocates

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CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T

MANMEET PRITAM SINGH ARORA, J (ORAL):

CM(M) 1637/2023 and CM APPL. 51693/2023 (stay)

1. This petition filed under Article 227 of Constitution of India impugns the order dated 27.09.2023 passed by the District Judge, Commercial Court – 05, Central District, Tis Hazari Courts, Delhi ('Executing Court') in Execution (COMM) No. 206/2023, titled as "**Mr. Rahul Bansal v. Scholar Alley Pvt. Ltd.**", whereby arrest warrants were issued against the directors of the Petitioner.

2. The learned counsel for the Petitioner states that in terms of the statement made before this Court on 05.10.2023, the Petitioner herein has deposited the composite amount of Rs. 1.43 crores comprising of the



principal and interest, before the Executing Court.

2.1. He states that in this petition, the Petitioner is seeking a limited relief to the effect that the release of the said amount by the Executing Court to the Respondent be stayed until the interim application filed by the Petitioner before the concerned Commercial Court District Judge (Commercial Court-01) /SE/Saket/ND hearing the objection petition filed under Section 34 of the Arbitration and Conciliation Act, 1996 is decided. He states that the matter is listed before the concerned Commercial Court on 06.12.2023 and an appropriate interim application seeking stay of the execution award is pending and listed for hearing on the said date.

3. In reply, the learned counsel for the Respondent confirms that the amount stands deposited before the Executing Court. He however, states that he has not been served with any copy of the interim application seeking stay of the execution award.

4. This Court has considered the submissions of the parties and in view of the deposit of decretal amount before the Executing Court, this petition is disposed of with a limited direction that the amount of Rs. 1.43 crores will not be released by the Executing Court until 06.12.2023 so as to enable the Petitioner herein to have his interim application adjudicated upon by the concerned Commercial Court.

5. The learned Commercial Court is requested to hear and decide the interim application filed by the Petitioner on 06.12.2023 i.e., the next date of hearing fixed before the said Court.

6. The Petitioner undertakes that he shall remain present to address arguments before the concerned Commercial Court on 06.12.2023 and not seek any adjournment. The said statement is taken on record. It is clarified



that any further orders for disbursal of the decretal amount will be passed by the concerned Commercial Court.

7. With the aforesaid direction, the present petition is disposed of.

MANMEET PRITAM SINGH ARORA, J

OCTOBER 17, 2023/hp/aa

Click here to check corrigendum, if any