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

+ O.M.P. (ENF.) (COMM.) 35/2024

M/S RAMEN DEKA

.....Decree Holder

Through: Mr. Sanjeev Prakash Upadhyay and
Mr. Rakesh Dubey, Advs.

versus

IRCTC AND OTHERS

.....Judgment Debtor

Through: Mr. Parth Sindhwani, Adv.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

26.09.2024

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1. The present petition has been filed seeking recovery of the amount awarded to the petitioner *vide* arbitral award dated 20.03.2023, as modified by order dated 09.05.2023.
2. Admittedly, the said award was the subject matter of proceedings under Section 34 of the Arbitration and Conciliation Act, 1996 (hereafter *the A&C Act*) filed by the petitioner/deGREE holder as well as by the respondent/judgment debtor *vide* O.M.P. (COMM) 245/2023 and O.M.P. (COMM.) 384/2023. The said applications under Section 34 of the A&C Act were disposed of by a common order dated 16.05.2024. In terms thereof, the award to the extent of Rs.1,39,08,554/- has attained finality and the said amount is admittedly payable by the respondent/judgment debtor to the petitioner/deGREE holder.
3. The said amount already stands deposited in this Court pursuant to directions made in the present petition by order dated 28.05.2024.
4. On 24.07.2024, the learned counsel for the judgment debtor objected to release of the said amount in favour of the decree holder on the basis that



the award was inadequately stamped. Subsequently, the award order dated 20.03.2023 was impounded and an authenticated copy of award dated 20.03.2023 was sent to the Collector of Stamps in terms of Section 38(2) of Indian Stamp Act, 1899.

5. *Vide* order dated 20.08.2024, passed by the learned Joint Registrar, the parties were directed to appear before the Collector of Stamps on 30.08.2024.

6. The order dated 19.09.2024 passed by the learned Joint Registrar takes note of the report filed by the Collector of Stamps dated 18.09.2024 in which it has been stated that the proper stamp duty along with penalty has been paid and the original instrument, duly endorsed, has been returned to this Court.

7. As such, there is no further impediment in the release of the amount of Rs.1,39,08,554/- to the petitioner/decreed holder. The said position is acceded to by learned counsel for the respondent/judgment debtor.

8. In the circumstances, the present petition is disposed of with the direction that the amount of Rs.1,39,08,554/-, which is deposited in this Court, alongwith accrued interest, be released in favour of the petitioner/decreed holder.

9. Let the registry take expeditious steps to release the said amount expeditiously and preferably within a period of two weeks from today.

10. The present petition along with pending applications, if any, is disposed of with the aforesaid direction.

SEPTEMBER 26, 2024/cl

SACHIN DATTA, J