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IN THE HIGH COURT OF DELHI AT NEW DELHI

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OMP (ENF.) (COMM.) 38/2023 and EX. APPL.204/2023

SH SURAJ MAL YADAV

.....Decree Holder

Through: Ms. Rashmi Chopra, Mr. Puneet
Rathi and Mr. Parikshit Singh Bhati,
Advs.

versus

DELHI STATE INDUSTRIAL AND INFRASTRUCTURE

DEVELOPMENT CORPORATION LTDJudgement Debtor

Through: Mr. Anuj Chaturvedi, Adv. (through
v/c) and Ms. Harshita Maheshwari,
Adv.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

05.11.2024

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1. The present petition seeks enforcement of an arbitral award dated 11.07.2017. The said award *inter-alia* directs as under:

“In view of the facts pleaded, evidence led and arguments advanced, the Petition partly succeeds. The Respondent is directed to execute the Lease Deed in favour of the Claimant within 6 months from the date of this Award. In case the Respondent is unable to get the Lease Deed executed within the stipulated time frame, with every day of delay, the Respondent shall be liable to pay – interest at the rate of 9 percent per annum to be calculated on the auction consideration of Rs.5.52 crore. The Respondent shall ensure that the Stamp Duty of Rs.33,12,040/- as paid by the Claimant shall be re-utilized. In case of failure of re-utilization of paid Stamp Duty, the Respondent shall refund the paid stamp duty of Rs.33,12,040/- to the Claimant along with interest at the rate of 9 percent per annum from date of the Award till date of payment. The Respondent is further directed to provide within 3 months a fresh NOC/EOT, as demanded by the MCD, to the Claimant. The



Respondent is also directed to issue a fresh EOT of 2 years from the date of sanction of the Building Plan to the Claimant for completion of construction at the Plot. The Claimant is directed to pay the arrears of Ground Rent to the Respondent, however, in the circumstances of this case, the Respondent shall not be entitled to any interest from the Claimant on account of delayed payment of Ground Rent. The Respondent is free to demand Ground Rent in accordance to the terms of auction from the date of execution of Lease Deed. The Claimant will also be entitled to recover the cost of these proceedings quantified at Rs.2 Lakhs for Counsel fees together with payment made to the Arbitral Tribunal.”

2. In terms of the orders passed by this Court, a sum of Rs.2,21,04,197/- (Rupees Two crores twenty one lakhs four thousand one hundred and ninety seven only) has been deposited by the judgment debtor towards satisfaction of the aforesaid directions and as directed by this Court vide order dated 27.02.2023.
3. After some hearing, learned counsel for the decree holder submits that since the Lease Deed in respect of the premises in question have already been executed in favour of the decree holder, the decree holder be permitted to withdraw the sum of Rs.2,21,04,197/- (Rupees Two crores twenty one lakhs four thousand one hundred and ninety seven only) which is lying deposited in this Court since 02.05.2023, along with accrued interest. It is stated, on instructions, that the said amount would be accepted by the decree holder in full and final satisfaction of the decree holder's monetary entitlement under the award and that no further amount would be claimed by the decree holder.
4. Learned counsel for the judgment debtor does not controvert that in terms of the award, the decree holder is entitled to the aforesaid amount. However, he submits that the judgment debtor has a grievance inasmuch as



the amount granted in the award is stated to overlap with another claim pursued by the decree holder before a different arbitrator. It transpires during the course of hearing that this aspect is being agitated by the judgment debtor in a petition under Section 34 of the Arbitration and Conciliation Act, 1996, filed *qua* the other award, which is dated 12.06.2020.

5. After some hearing, with the consent of the parties, the present enforcement petition is disposed of with the following directions:

(i) The amount of Rs.2,21,04,197/- (Rupees Two crores twenty one lakhs four thousand one hundred and ninety seven only), which is lying in this Court be released by the registry of this Court to the decree holder along with accrued interest. Let the same be done expeditiously and preferably within a period of two weeks from today. The same shall result in full and final satisfaction of the petitioner's monetary entitlement under the award / decree sought to be enforced.

(ii) The aforesaid shall be subject to the contentions being raised by the respondent in OMP (COMM) 467/2020, which shall be dealt with on their own merits in the said proceedings.

6. The present enforcement petition stands disposed of in the aforesaid terms.

SACHIN DATTA, J

NOVEMBER 5, 2024/cl