



2024:DHC:5337



\$~21

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **OMP (ENF.) (COMM.) 59/2021 & EX.APPL.(OS) 710/2024****COBRA INSTALACIONES Y SERVICIOS, S.A AND
SHYAM INDUS POWER SOLUTION PVT. LTD.(JV)**

.....Decree Holder

**Through: Mr. Pankaj Kumar Singh and Ms.
Bimla Sharma, Advs.**

versus

HARYANA VIDYUT PRASARAN NIGAM LTD.(HVPNL)

.....Judgement Debtor

**Through: Ms. Himani Yadav, Mr.
Krishan Kumar, Advs.****CORAM:****HON'BLE MR. JUSTICE C. HARI SHANKAR****ORDER (O R A L)****16.07.2024**

%

1. This petition seeks enforcement/execution of an arbitral award dated 29 July 2020, the operative portion of which reads as under:

“In view of the foregoing discussion, the award is summarized as under:

i. The Claimant is entitled to refund of 50% of LD levied and recovered by the Respondent amounting to Rs.3,62,507,55/-;

ii. The Claimant is entitled to an interest @13% p.a. amounting to Rs.2,27,49,710/- on the amount which has been found to be liable to be refunded, from the date of deduction of LD up to 04.01.2019, the date of filing of the Statement of Claim;

iii. The Claimant is not entitled to refund of deferment charges inclusive of interest amounting to Rs.22,86,559/- or any other amount towards recovery of deferment charges;

Signature Not Verified

Digitally Signed
By:ROHIT B. ARORA
Signing Date:19.07.2024
16:30:38

Signature Not Verified

Digitally Signed
By:CHANDRASHEKHARAN
HARI SHANKAR
Signing Date:19.07.2024
16:29:44



2024:DHC:5337



IV. The Claimant is entitled to a sum of Rs.9,00,937/- for keeping the bank guarantee alive beyond the defect liability period, inclusive of interest @13% p.a. up to the date of filing of Statement of Claim;

v. The Claimant is entitled to a sum of Rs.7,44,280/- towards watch and ward charges inclusive of interest @13%p.a. till the date of filing of Statement of Claim;

vi. The Claimant is not entitled to any amount towards the claim of insurance for the extended period

vii. The Claimant is not entitled to a sum of Rs. 75,91,655/- towards tax component as claimed by the Claimant;

viii. The Claimant is entitled to pendente-lite interest @9% p.a. from the date of filing of Statement of Claim till the date of the award;

ix. The Claimant is further entitled to future interest @9% p.a. on the sum awarded (including the pendente-lite interest) from the date of the award till the date of payment;

x. The parties shall bear their own costs.;"

2. The award, of which execution is sought, was challenged by the respondent before this Court by way of OMP (Comm) 4/2021. Inasmuch as there was no stay of execution of the award, this Court, while issuing notice in the present petition on 15 March 2021, directed deposit of the awarded amount, subject to the outcome of OMP (Comm) 4/2021.

3. It is submitted that deposit as directed was made with the Registry of this Court.

4. OMP (Comm) 4/2021 came to be dismissed by a learned Single Judge of this Court by way of judgment dated 6 May 2022.

Signature Not Verified

Digitally Signed
By: ROHIT B. ARORA
Signing Date: 19.07.2024
16:30:38

OMP (ENF.) (COMM.) 59/2021

Signature Not Verified

Digitally Signed
By: CHANDRASHEKHARAN
HARI SHANKAR
Signing Date: 19.07.2024
16:29:44

Page 2 of 3



2024:DHC:5337



5. FAO (OS) (Comm) 195/2022, preferred thereagainst by the respondent, was also dismissed by the Division Bench of this Court *vide* judgment dated 10 April 2024.
6. The matter has not been carried further by the respondent. The petitioner is, therefore, entitled to release, in its favour, of the awarded amount as stands deposited by the respondent with this Court.
7. The Registry is, therefore, directed to release, to the petitioner, forthwith, the entire awarded amount as deposited by the respondent with this Court with interest that may have accrued thereon within two weeks on the petitioner approaching the registry therefor. The award thereby stands satisfied.
8. The present petition stands disposed of accordingly.

C.HARI SHANKAR, J

JULY 16, 2024

dsn

Click here to check corrigendum, if any

Signature Not Verified

Digitally Signed
By: ROHIT B. ARARIAMP (ENF.) (COMM.) 59/2021
Signing Date: 19.07.2024
16:30:38

Signature Not Verified

Digitally Signed
By: CHANDRASEKHARAN
HARI SHANKAR
Signing Date: 19.07.2024
16:29:44