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

+ EX.P. 59/2020 & EX.APPL.(OS) 479/2021

JOHN TINSON AND CO. PVT. LTD. Decree Holder

Through: Ms. Shyel Trehan, Mr. Rohan
Poddar & Mr. Vignesh Roy,
Advocates.

versus

BANK OF INDIA & ANR. Judgement Debtors

Through: Mr. Agniwesh Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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15.04.2024

1. The decree under execution, dated 26.11.2019, has been satisfied in full.
2. The judgment debtor's appeal against the decree [RFA(OS) 1/2021] remains pending before the Division Bench. The amount deposited by the judgment debtor has been released to the decree-holder, subject to security of immovable property, pursuant to orders of the Division Bench dated 16.08.2021.
3. As the amount has already been deposited and released to the decree holder, no further orders are required in this execution petition at this stage.
4. The security has been placed with the Registrar General of this



Court, pursuant to the orders of the Division Bench, and will abide by the final decision in the appeal.

5. Ms. Shyel Trehan, learned counsel for the decree holder, submits that the decretal amount might carry service tax, being a decree for *mesne* profits. The Court need not go into the issue at this stage as it is the admitted position that the decree under enforcement does not award any amount under this head to the decree-holder. Any alternative remedies available to the decree-holder are left open.

6. The execution petition, alongwith pending applications, is disposed of with these observations, leaving it open to the parties to make an application in these proceedings, if necessary, after disposal of the appeal by the Division Bench.

PRATEEK JALAN, J

APRIL 15, 2024

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