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

+ **OMP (ENF.) (COMM.) 178/2021**

AGRICULTURAL PRODUCE MARKET COMMITTEE

.....Decree Holder

Through: Mrs Avnish Ahlawat, Standing
Counsel for APMC with Mr Nitesh
Kumar Singh, Ms Laavanya Kaushik,
Ms Aliza Alam, Mr Mohnish
Sehrawat, Advs.

versus

**CDR SP PURI RETD SOLE PROPRIETOR MS SPIRAL
SERVICES HAVING OFFICE AT & ANR.**

.....Judgement Debtors

Through: None.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

07.11.2024

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1. This is a petition filed under section 36 of the Arbitration and Conciliation Act, 1996 seeking execution of the Award dated 23.07.2015.
2. Ms Ahlawat, learned standing counsel for the decree-holder states that substantial part of the Award has been executed except the plant and machinery of the judgment debtor lying at six acres of land owned by the decree holder.
3. In this regard, she has drawn my attention to para 119 of the Award and the operative part reads as under:

“119.

The claimant is further directed to remove his belongings including



plant and machinery from the site within 30 days from the date of this Award. It is further held that in case the claimant fails to remove his said belongings and / or fails to hand over the vacant possession of the room at the entry gate no. 01 within the stipulated period, the respondent shall be entitled to recover damages @ Rs.40,000/- per month till the claimant removes the belongings and hands over the vacant possession of the room.”

4. It is stated that there is no stay on the operation of the Award and the petition under Section 34 of the Arbitration and Conciliation Act, 1996 has been dismissed. Hence, the Award has become a decree of the court.
5. In addition, there is nobody appearing on behalf of the judgment-debtor.
6. Therefore, the decree-holder is entitled to sell/auction the belongings including plant and machinery lying at six acre of land owned by the decree-holder. An affidavit of the amount realized from the sale of that plant and machinery shall be filed in court.
7. Since the decree-holder is already in possession of the six acre of land, no further directions are required in this regard.
8. With respect to recovery of money for use and occupation charges, the decree-holder is granted leave to file a fresh execution/revive his execution as and when circumstances so warrant.
9. The petition is disposed of accordingly.

JASMEET SINGH, J

NOVEMBER 7, 2024

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