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

+ **OMP (ENF.) (COMM.) 175/2019, EX.APPL.(OS) 3201/2022,
EX.APPL.(OS) 950/2023**

BHAYANA BUILDERS PVT. LTD.Decree Holder

Through: Mr Saurabh Kirpal, Sr. Adv. with Mr
Sameer Rohatgi, Ms Manmeet Kaur,
Mr Gurtej Pal Singh, Mr Chandan
Malav and Ms Gaurangi Khanna,
Advts.

versus

CHINTELS INDIA LTD.

.....Judgement Debtor

Through: Mr Kotla Harshavardhan, Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

31.07.2024

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1. This a petition filed under section 36 of the Arbitration and Conciliation Act, 1996 seeking execution of the Arbitral Award dated 04.05.2019 which was duly received on 07.05.2019.

2. My attention has been drawn to order dated 01.09.2022 whereby the registry was directed to release the amount deposited by the Judgement debtor in favour of the decree holder pursuant to the judgement dated 08.07.2022 passed by this Hon'ble Court in O.M.P. 444-445/2019 . Paras 3 and 4 of the order dated 01.09.2022 read as under:

“3. For the present, it is an admitted position that, in terms of the said awards, the principal amount awarded in favour of the decree holder, as upheld by the judgment



dated 08.07.2022, is ₹ 4,56,59,980/- and ₹ 2,45,90,411/-, amounting to a total of ₹ 7,02,50,391/-.

4. By virtue of orders passed in these proceedings, the judgment debtor has deposited a sum of ₹ 6,65,27,716/- in this Court. Learned counsel for the parties agree that the said amount, alongwith interest accrued thereupon, may be released to the decree holder, subject to a maximum of ₹ 7,02,50,391/-. The Registry is directed to release this amount to the decree holder. The matter be listed before the learned Registrar General on 14.09.2022, when the Registry will submit a Report as the amount lying in the fixed deposits, and the Registrar General may pass further directions in this regard.”

3. Pursuant to the order passed in 01.09.2022, the directed amount was released to the decree-holder.

4. Thereafter on 15.11.2022 the interest component was also calculated by this court in terms of directions issued vide order dated 01.09.2022. Para 3 of the order dated 15.11.2022 reads as under:

“3. Although the parties join issue as to the computation of interest, even according to the judgment debtor, an amount of ₹1,77,44,144/- was payable by way of interest in O.M.P(ENF.)(COMM.) 174/2019 as on 27.07.2022, and an amount of ₹76,38,653/- as interest calculated until 26.07.2020 in O.M.P(ENF.)(COMM.) 175/2019. As these are the admitted amounts contained in the affidavits filed by the judgment debtor [reply to EX.APPL.(OS) 3200/2022 in O.M.P(ENF.)(COMM.)



174/2019 and reply to EX.APPL.(OS) 3201/2022 in O.M.P(ENF.)(COMM.) 175/2019], Mr. Kotta Harshavardhan, learned counsel for the judgment debtor, states that these amounts will also be remitted directly to the decree holder within six weeks, without prejudice to the rights and contentions of the parties on the further claims asserted by the decree holder.”

5. Admittedly, the said amount has also been paid by the judgment-debtor to the decree-holder.
6. For the said reasons, there is no other amount outstanding in favour of the decree-holder subject to the order dated 31.07.2024 passed in OMP (ENF.) (COMM.) 174/2019.
7. The balance amount lying deposited in this Court along with accrued interest be released to the judgment-debtor on payment of the amounts by demand draft as directed vide order dated 31.07.2024 passed in OMP (ENF.) (COMM.) 174/2019. The said amount be released to the judgment-debtor/its nominee along with accrued interest.
8. Subsequent to the payment being made as directed, the properties of the Judgement debtor shall be released from attachment.
9. In view of the aforesaid directions, the petition is disposed of.

JASMEET SINGH, J

JULY 31, 2024

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[Click here to check corrigendum, if any](#)