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

+ **OMP (ENF.) (COMM.) 198/2023**

J. PERROT ENTERPRISES PVT. LTD.Decree Holder

Through: Mr. Santanu Kanungo, Adv.

versus

DY. CMM-II, COFMOW NEW DELHIJudgement Debtor

**Through: Ms. Pratima N. Lakra, CGSC with
Mr. Chandan Prajapati, Ms. Yashika
Garg, Advs.**

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

05.07.2024

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1. This is a petition seeking return on bank guarantee No. 17313119FG0001468 dated 05.10.2019 of Euro 3,51,000 (equivalent to Indian Rupees 3,14,56,620.00/-) and bank guarantee No. 17313119FG0001467 dated 05.10.2019 for Rs. 13,05,000/-.
2. The facts are that the judgment-debtor invited Global No. G-740 dated 13.08.2013 for supply of Multi Station 166 mm Spindle did Floor Type Travelling Column CNC Horizontal Boring & Milling Machine. The decree-holder was awarded the contract on 24.06.2014. As there were disputes between the parties, the decree-holder invoked arbitration.
3. On 22.01.2022, the Award was passed in favour of the decree-holder, wherein the claim Nos. 1 and 2 of the decree-holder were allowed and the respondent was directed to return bank guarantee No. 17313119FG0001468



dated 05.10.2019 of Euro 3,51,000 (equivalent to Indian Rupees 3,14,56,620.00/-) and bank guarantee No. 17313119FG0001467 dated 05.10.2019 for Rs. 13,05,000/-. Further, claim No. 3 was decided against the decree-holder and the decree-holder was directed to carry out its contractual obligations for a comprehensive AMC for 5 years.

4. Admittedly, claim Nos. 1 and 2 have not been challenged by the judgment debtors and no Section 34 petition has been filed by the judgment-debtor. As regards claim No. 3 is concerned, the decree-holder has challenged the same by filing O.M.P. (COMM.) 382/2022 which is pending adjudication.

5. In this view of the matter and since claim Nos. 1 and 2 have not been challenged, it is directed that the judgment-debtor shall return bank guarantee No. 17313119FG0001468 dated 05.10.2019 of Euro 3,51,000 (equivalent to Indian Rupees 3,14,56,620.00/-) and bank guarantee No. 17313119FG0001467 dated 05.10.2019 for Rs. 13,05,000/- within 2 weeks from today.

6. As regards claim No. 3 is concerned, since the same has not been stayed/modified/varied, the judgment-debtor is at liberty to file its own independent execution petition seeking enforcement of that part of the Arbitral Award.

7. The petition is disposed of.

JASMEET SINGH, J

JULY 5, 2024/DM

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