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

+ **OMP (ENF.) (COMM.) 181/2024 & EX.APPL.(OS) 1310/2024**

SARITA MULTIPLEXES PRIVATE LIMITEDDecree Holder

Through: **Mr. Amit Sood and Mr. Chandan
Dutta, Advocates.**

versus

CINEPOLIS INDIA PRIVATE LIMITEDJudgement Debtor

Through: **Mr. Parmanand Yadav, Advocate.**

+ **OMP (ENF.) (COMM.) 140/2024**

CINEPOLIS INDIA PVT LTD

.....Decree Holder

Through: **Mr. Parmanand Yadav, Advocate.**

versus

SARITA MULTIPLEXES PVT LTD

.....Judgement Debtor

Through: **Mr. Amit Sood and Mr. Chandan
Dutta, Advocates.**

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **22.08.2024**

1. These proceedings have been filed by both parties, seeking enforcement of an Award dated 07.02.2024. The operative portion of the award reads as follows:

“206. Lessee-Claimant, Cinopolis is held entitled to refund of Rs. 4,46,22,050/- deposited with Court on account of lease rent plus GST pursuant to Order passed by the Hon'ble High Court at Ad-Interim stage in OMP (I)(COMM.) No. 149/2020 and order passed by the Tribunal dated 21.05.2020 affirming the ad-interim order in this arbitration. Amount was directed to be kept in Bank Deposit. Interest



having accrued on the amount shall also be released to the Lessee-Claimant.

207. Lessee-Claimant shall pay Occupation charges at the rate of rent plus GST @ last deposited by the Lessee with the Court i.e., for the month of January 2022, for the period 13.07.2022 till 23.04.2023 to the Lessor-Respondent within a period of three months. Default in compliance will attract interest@ 9% p.a. from the date of default till the amount is paid. GST part of the amount, as soon paid by the Lessee to the Lessor shall be deposited with the concerned Statutory Authority without any delay in accordance with law.”

2. The amount of Rs. 4,46,22,050/-, recorded in paragraph 206, has been corrected to Rs.4,63,50,980/- by an order dated 22.03.2024, passed under Section 33 of the Arbitration and Conciliation Act, 1996 [“the Act”].
3. It is undisputed that Cinopolis India Pvt. Ltd. [“Cinopolis”] deposited the aforesaid amount of Rs.4,63,50,980/- into Court pursuant to order dated 26.06.2020, passed by this Court in OMP(I) COMM 149/2020, and an order dated 21.05.2020, passed by the learned Arbitral Tribunal. It is evident from paragraphs 206 and 207 of the Award that the Arbitral Tribunal has held that Cinopolis is entitled to refund of the amount deposited in this Court but has also made a monetary award in favour of Sarita Multiplexes Pvt. Ltd. [“Sarita”].
4. After computation of the aforesaid amounts due to Sarita, learned counsel for the parties, upon instructions, submit that both these enforcement proceedings may be disposed of by consent, with the following directions:
 - a. Out of the amount deposited in this Court, an amount of Rs.1,23,15,892/- will be released to Sarita.
 - b. The aforesaid amount has been calculated inclusive of GST and after deducting TDS of Rs.16,12,583/-. The amount deducted on



account of TDS will be deposited by Cinepolis with the tax authorities, and the statutory certificate will be issued to Sarita within the period prescribed.

c. An amount of Rs.55,00,000/-, which Sarita holds as security deposit made by Cinepolis in connection with the contract in question, will be appropriated by Sarita and Cinepolis will have no claims in respect thereof.

d. The balance amount deposited in the Registry, will be released to Cinepolis, alongwith interest accrued thereupon.

5. Learned counsel for the parties state that the award dated 07.02.2024 will stand fully satisfied upon implementation of these directions.

6. Both the enforcement proceedings are, therefore, disposed of with the directions in terms of paragraph 4 hereinabove. The parties are directed to file their affidavits within one week from today, alongwith Board Resolutions in terms of the agreement recorded above. Upon filing of the affidavits, the Registry will release the amount of Rs.1,23,15,892/- to Sarita, and the balance amount lying in deposit [alongwith interest accrued thereupon] to Cinepolis.

7. The petitions are disposed of with these directions.

PRATEEK JALAN, J

AUGUST 22, 2024
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