



2024:DHC:7033



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

% ***Date of decision: 11th September, 2024***

+ CM(M) 3379/2024 & CM APPL. 53090/2024 & CM APPL. 53091/2024

NATIONAL HEALTH AUTHORITY

.....Petitioner

Through: Mr. Sunil Kumar Pandey, Senior
Panel Counsel with Ms. Neha Yadav,
Advocate

versus

M/S INTERMARC

.....Respondent

Through: Mr. Prasouk Jain, Advocate (Through
VC)

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CM APPL. 53091/2024 (exemption)

Exemption allowed, subject to all just exceptions.

CM(M) 3379/2024 & CM APPL. 53090/2024

1. Present petition has been filed by judgment debtor-National Health Authority.
2. It suffered an award dated 21.02.2023 and execution is pending before the Court of learned District Judge, Commercial Court-03, Patiala House Court, New Delhi.
3. National Health Authority, after being unsuccessful in its petition filed under Section 34 of Arbitration and Conciliation Act, 1996, filed an appeal, which is registered as FAO (COMM.) 137/2024 and admittedly, no stay as



such has been granted by learned Division Bench of this Court.

4. By impugned order, learned Executing Court has directed as under: -

Ld. Counsel for DH states that no interim relief/stay order has been granted by Hon'ble High Court of Delhi and matter can be kept for consideration. She further submits that there is no impediment for this court to proceed further with the instant Execution Petition. She further states that assets of JD be attached towards satisfaction of arbitral award dated 21.02.2023 amounting to Rs. 35,53,500/- with interest@ 10% per annum from 23.03.2023 and continues till date. She further states that total award amount payable by JD as on 16.08.2024 is Rs. 40,51,963.56 (Principal Rs. 35,53,500/- + interest Rs. 4,98,463.53). After referring to the above, ld. Counsel for DH prays that account of JD be attached for the above-mentioned amount.

Having heard ld. Counsel for DH and submissions and considering that there is no stay to the Execution Proceedings, issue warrants of attachment of bank account of JD on filing of PF.

Be listed for 14.11.2024.

5. During course of arguments, learned counsel for petitioner has restricted his grievance only to the effect that instead of attaching the entire bank account, the amount with respect to the decree in question could have been attached. He submits that if the entire bank account is directed to be attached, it would invite unnecessary serious implications as the judgment debtor is also required to make payment to other authorities and its own employees.

6. Learned counsel for decree holder has joined the proceedings through videoconferencing. He also states that the attachment may be only with respect to the decretal amount.

7. Accordingly, present petition is disposed of with direction that amount lying in the bank account of judgment debtor, only to the extent of decretal amount (principal + interest as per the calculation above) would be attached



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and not the bank account of judgment debtor as such and as whole.

8. Petition stands disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

SEPTEMBER 11, 2024/dr