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

+ OMP (ENF.) (COMM.) 122/2018

M/S BLS SUMER JV

.....Decree Holder

Through: Mr Mansim Ran Singh, Ms Vishakha Ahuja and
Mr Balram Srivastava, Advs.

versus

DELHI STATE INDUSTRIAL & INFRASTRUCTURE
DEVELOPMENT CORPORATION LTD.Judgement Debtor

Through: Ms Anusuya Salwan and Mr Bankim Garg, Advs.
with Mr. Awaal Wali, EE, for JD DSIIDC

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

14.08.2024

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1. This is a petition filed under Section 36 of the Arbitration and Conciliation Act, 1996 read with Section 82, Code of Civil Procedure, 1908 for execution of the Arbitral Award dated 03.03.2017.
2. This court *vide* order dated 15.11.2022 had recorded that the dispute of the amount to be paid by the judgement debtor only remains to the tune of Rs 29,55,093/- and in this regard, directed the decree holder to file an affidavit indicating the computation of the said amount and up-to date claim with interest.
3. Subsequently, the decree-holder had filed an affidavit in terms of the order dated 15.11.2022 wherein the sums due and payable to the decree-holder by the judgement debtor have been shown as under:



CALCULATION SHEET

Balance amount admitted by JD	Rs. 1,99,493/-
Received Amount	Rs. 1,79,544/-
Amount Deducted	Rs. 19,949/-
Balance amount after adjusted from the Income Tax deducted by JD (if any) Intt. If applicable	
D- Vat amount deducted by JD	Rs. 8,53,819/-
JD can file the revised return as per Court of Hon'ble Supreme Court	
Interest amount paid by J.D on late payment cannot be taken by J.D. from D.H., payable to D.H.	Rs. 6,55,744/-
Interest on D Vat amount and interest amount deducted by JD from 04-12-2019 to 22-02-2023 We are not claiming amount paid by J.D. on account of labour cess	Rs. 4,86,782/-
Total balance amount payable by J. D. to D.H.	Rs. 19,96,345/-
Amount deducted as above	Rs. 19,949/-
Total amount payable by J. D. to D.H.	Rs. 20,16,294/-

4. Admittedly, the amount of 19,949/- has been deducted on account of TDS and the same has been deposited with the authorities for which a



certificate has also been given.

5. In addition, the amount of Rs. 8,53,819/- has been deducted by the judgement debtor towards the D-Vat amount. In this regard, the judgement debtor has filed an e-receipt dated 09.01.2020 which shows that the amount has been deposited with the concerned authority and the said amount no longer remains due and payable by the judgment-debtor.

6. It is stated by Mr Singh, learned counsel for the decree-holder that they are not in a position to claim the said amount.

7. As regards interest of D-Vat is concerned, my attention has been drawn to a certificate issued by the DSIDC wherein the judgment-debtor has itself shown that the amount of interest on D-Vat is to the tune of Rs. 6,55,744/-. Since the said amount is due and payable, the judgment-debtor shall make the said payment to the decree holder within a period of four weeks from today.

8. With these directions, the execution petition is disposed of granting liberty to the decree-holder to revive the same in case the said amount is not paid.

JASMEET SINGH, J

AUGUST 14, 2024

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