



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

916 WRIT PETITION NO. 11439 OF 2024

Zilla Parishad Aurangabad
Through The Chief Executive OfficerPetitioner

VERSUS

M/s Navnirman Consultants
Through Mrs Varsha Atyul DhawaleRespondent

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Mr. P. R. Nangare, Advocate for the Petitioner
Mr. A. S. Deshpande, Advocate for the Respondent.

CORAM : R. M. JOSHI, J.
DATE : 7th FEBRUARY, 2025.

PER COURT :

1. This petition takes exception to the impugned order passed by the Execution Court below Exhibit 58 whereby the calculation of amount due and payable to the decree holder came to be decided.

2. Learned counsel for the petitioner apart from taking exception to the actual calculations done by the Execution Court, has also contended that the amount of interest earned on the amount deposited by the petitioner be adjusted against the said amount.

3. Learned counsel for respondent has opposed the said contention firstly by pointing out the fact that the calculations done by the Execution Court are mathematically correct. Secondly, he submits that the amount of interest on the amount deposited by petitioner before this Court is the interest earned by respondent/decreed holder.

4. At the outset, it needs to be clarified that the calculations done by the Execution Court are correct and requires no modification. Issue raised by the petitioner about adjustment of amount of interest earned on deposit made with this Court is concerned, the amount deposited is in pursuance to the award passed by the Arbitral Tribunal in favour of respondent. On deposit of said amount, when respondent is not permitted to withdraw the amount, respondent would be entitled to receive whatever amount the said amount carries. It cannot be adjusted against any other amount.

5. Hence, this Court finds no substance in the petition.
Petition stands dismissed.

(R. M. JOSHI)
Judge

dyb