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

+ **OMP (ENF.) (COMM.) 131/2021, EX.APPL.(OS) 640/2023**

MPB CONSTRUCTION PVT.LTD.Decree Holder

Through: Mr. Ajay Kumar Vali, Mr. Bhaskar
Vali, Ms. Pragya Anand, Advs

versus

UNION OF INDIA

.....Judgement Debtor

Through: Ms Manisha Agrawal Narain, CGSC
along with Mr Nipun Jain, Adv.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

28.01.2026

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1. The present Petition under Section 36 of the Arbitration and Conciliation Act, 1996 has been filed by the Decree Holder seeking execution of the Arbitral Award dated 22.06.2019 under which Rs.2,43,66,579/- was awarded to the Decree Holder along with future interest @ 8% per annum till the date of actual payment and Rs.69,500/- along with future interest @ 8% per annum till the date of actual payment was awarded to the Union of India under the counter claim. Therefore, the total amount to be paid to the Decree Holder under the Award was Rs.2,42,97,079/-.

2. The said Award was challenged by the Union of India by filing OMP (COMM.) 515/2019. Since no stay was granted in the said proceedings, the instant execution Petition has been filed by the Decree Holder. *Vide* Order



dated 28.09.2021, in the present Petition, the Judgment Debtor was directed to deposit the decretal amount before the Registrar General of this Court. It is stated that Rs.2,95,68,897/-, inclusive of principal amount and interest thereon, was deposited by the Judgment Debtor before this Court on 07.02.2022. OMP (COMM.) 515/2019 was dismissed by this Court *vide* Order dated 17.04.2023.

3. In the present Petition, it is the case of the Decree Holder that the money was not actually received by the Decree Holder but it was only deposited in the Court and the same does not amount to execution of the Award and, therefore, the Decree Holder is entitled to interest on the awarded amount from the date of deposit of the amount till it is actually received by the Decree Holder.

4. The amount of Rs.2,95,68,897/- which was deposited by the Judgment Debtor was kept in an interest bearing account and the said amount along with the interest accrued thereon amounting to a total of Rs.3,09,84,560/- was released to the Decree Holder on 06.09.2023.

5. A calculation sheet has been filed by the Decree Holder stating that since Rs.2,95,68,897/- was deposited by the Judgment Debtor with this Court and were not handed-over to the Decree Holder, the same would not amount to satisfaction of the decree. The calculation sheet shows that Rs.47,88,028/- is still due and payable by the Judgment Debtor. For ready reference, the said calculation sheet is being reproduced herein and the same reads as under:



CALCULATION SHEET

Calculation of amount due and payable as on 06.09.2023

Sl. No.	Particulars	Calculation	Amount
A	Amount awarded inclusive of interest payable on date of award 23.06.2019	(Sum of claims awarded to Decree Holder + <i>pendente lite</i> interest @9%) – (Claim awarded to Judgment Debtor)	2,42,97,079
B	Monthly future Interest @ 8% per annum	$(2,42,97,079 \times .08 \text{ (interest)}) / 12 \text{ (months)}$	1,61,980
C	Future Interest @ 8% per annum from 24.06.2019 till 06.09.2023	$(2,42,97,079 \times .08 \text{ (annual interest rate)}) / 12 \times (50.5 \text{ months (i.e 4 years and 2 months and 15 days)})$	81,80,017
D	Total Dues as on 06.09.2023	A + C	3,24,77,096
E	Amount released to the DH on 06.09.2023		3,09,84,560
F	Balance amount	D - E	14,92,536
G	GST Payable		32,95,492
H	Total amount payable	F + G	47,88,028

GST is payable at the rate of 18% on the principal amount awarded i.e. Rs. 1,83,08,290.53/-. The GST payable on the said amount quantifies to Rs. 32,95,492.30/-.

6. An affidavit has also been filed by the Union of India. Relevant portions of the said affidavit reads as under:

“2. That vide arbitral award dated 22.06.2019 , the Ld. Arbitrator has awarded an amount of Rs. 2,43,66,579/- with the simple interest @ 8% per annum till the actual payment of the award.

3. It is submitted that the Judgment Debtor, the Respondent hereinto on 07.02.2022 deposited the amount of Rs. 2,95,68,897/- with the Registrar General of this Hon'ble Court on 07.02.2022. Thus, no pending dues were remaining as on 07.02.2022.”

7. This Court notes that the amount of Rs.2,95,68,897/-, which included both the principal amount and the interest accrued thereon, was deposited by the Judgment Debtor before this Court in compliance with the Order dated



28.09.2021. Once the decretal amount stood deposited pursuant to the direction of this Court, the obligation of the Judgment Debtor stood discharged to that extent. Merely because the amount was deposited with the Court and not directly released to the Decree Holder at that stage, the same cannot be construed to mean that the decree remained unsatisfied. Consequently, this Court is not inclined to accept the submission of the learned counsel for the Decree Holder that the Decree Holder is entitled to further interest on the said amount for the period subsequent to its deposit with the Court.

8. Accordingly, the Petition is disposed of. Pending applications, if any, also stands disposed of.

SUBRAMONIUM PRASAD, J

JANUARY 28, 2026

Rahul