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

\+ FAO(OS) 354/2012

HINDALCO INDUSTRIES .....Appellant

Through: Mr. Vishal Kapoor, Adv.

versus

INDIAN FARMERS FERTILIZERS COOPERATIVE LTD & ORS .....Respondents

Through: Mr. Faran Ahmed, Ms. Tooba Noor, Advs. for R-1.

CORAM:
HON'BLE MR. JUSTICE VIVEK CHAUDHARY
HON'BLE MS. JUSTICE RENU BHATNAGAR

O R D E R

% **30.04.2026**

CM APPL. 29039/2026 (*For Withdrawal*)

1. The present application has been filed on behalf of the appellant under Order XXIII read with Section 151 of the Code of Civil Procedure, 1908 seeking leave of this Court to withdraw the present appeal.

2. The learned counsel for the respondent has no objection to the same.

3. *Vide* Order dated 07.08.2012, while issuing notice to respondent No.1 (as respondent Nos.2 to 4 were arbitrators), this Court directed the stay of coercive steps by respondent No.1, subject to deposit of decretal amount within a period of one month.

4. It is stated by the learned counsel for the appellant that in

pursuance, thereto, the appellant deposited the amount of Rs. 15,21,42,674/- with the Registry of this Court.

5. On 08.01.2013, this Court directed to release the aforesaid deposited amount to the respondent subject to furnishing of a solvent security for restitution to the satisfaction of the Registrar General of this Court.

6. On 15.02.2013, the following order was passed by this Court:

> *"On hearing leamed counsel for the parties and taking into consideration what we had observed on 08.02.2013, we dispose of the application with the following directions:*
>
> *i) The TDS amount payable on interest stated to be tune of Rs.80,24,113.40 be retained in the court and be kept in an FDR initially for a period of six months to be kept renewed till further orders.*
>
> *ii) In case the appeal is dismissed, the tax deducted at source at that stage be released to the Tax Department as at present the amount has only been called into court and as per directions of the court has been released to the respondent against security of restitution.*
>
> *iii) If the appellant succeeds, then there would be no payment issue to the Department as the amount released would have to be re-compensated back to the appellant along with the amount lying in the court.*
>
> *iv) In case the tax has to be released to the department, the interest accrued thereon would also follow the principle and as to whether any further interest is payable on this amount or not can be examined at that stage.*
>
> *The application accordingly stands disposed of."*

7. In view of the above, the appeal along with pending application(s), if any, is, accordingly, dismissed as withdrawn.

8. The amount of Rs. 80,24,113.40/-, stated to be the TDS *(Tax deducted at source)* kept in the form of interest bearing FDR with the

Registry, shall be released in favour of the Income-tax Department, along with accrued interest.

9. The Bank guarantee furnished by the respondent No. 1 as security shall also be released in favour of respondent No. 1.

10. A copy of this Order be also sent to the Income-tax Department for information.

VIVEK CHAUDHARY, J

RENU BHATNAGAR, J

APRIL 30, 2026/*bs/kz*