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

+ OMP (ENF.) (COMM.) 201/2022  
DIC-NCC(JV)

.....Decree Holder

Through: Dr. Amit George, Dr. Swaroop George, Mr. Adhishwar Suri, Mr. Arkaneil Bhaumik, Ms. Rpuam Jha, Ms. Suparna Jain and Ms. Ibansara Syiemlieh, Adv.

versus

**NATIONAL HIGHWAYS AUTHORITY OF INDIA**

.....Judgement Debtor

Through: Mr. Santosh Kumar, SC and Ms. Nidhi Rani, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE SACHIN DATTA**

**ORDER**

**22.10.2024**

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**EX. APPL.(OS)1648/2024** (for permitting the Decree Holder to withdraw the amount deposited by the Judgment Debtor with the registry)

1. The present application has been filed by the decree holder for release of the amount deposited by the judgment debtor with the registry of this Court, pursuant to the order dated 23.02.2023, passed by this Court. Vide the said order, this Court directed the judgment debtor to deposit the award amount with up-to-date interest with the Registrar General of this Court within a period of six weeks from the date of the said order.

2. According to the applicant, the judgment debtor has only deposited a sum of INR 36,91,78,197/- with the registry of this Court on 01.04.2020. The present application, filed by the decree holder is confined to seeking that the decree holder be allowed to unconditionally withdraw the sum of INR



36,91,78,197/-, deposited in the registry of this Court. It is submitted by the applicant that the said amount is even less than the principal amount awarded under the award.

3. Learned counsel for the non-applicant opposes the prayer sought in the present petition inasmuch as according to him, the concerned award is *ex-facie* illegal and liable to be set aside. He submits that it may be difficult to recover the said amount from the decree holder, in case the decree holder is allowed to unconditionally withdraw the said amount.

4. It is noted that prayer-2 of the present application is in the following terms:

*“Allow the Decree Holder to withdraw the sum of INR 36,91,78,197/- deposited by the Judgment Debtor with the Registry of this Hon’ble Court with up-to-date interest as accrued, subject to the furnishing of a bank guarantee by the Decree Holder.”*

5. No prejudice shall be caused to the judgment debtor if the amount of INR 36,91,78,197/- is allowed to be withdrawn by the decree holder subject to furnishing of unconditional bank guarantee/s to the satisfaction of the Registrar General of this Court, and also subject to furnishing of an undertaking that the decree holder shall abide with the final judgment that may be rendered on the Section 34 petition filed by the judgment debtor. It is directed accordingly.

6. The decree holder further undertakes to keep the aforesaid unconditional bank guarantee/s (to be furnished by it *in lieu* of withdrawal of the amount of INR 36,91,78,197/-) alive during the pendency of the present petition and for such additional period as may be directed by this Court.

7. Subject to furnishing of the aforesaid unconditional bank guarantee/s



and the undertaking, the decree holder is permitted to withdraw the sum of INR 36,91,78,197/-.

8. The application is disposed of.

9. List the matter before the Joint Registrar (Judicial) on 04.11.2024 for verification of the unconditional bank guarantee/s, and the undertaking to be furnished by the decree holder, in terms of the aforesaid directions.

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10. List on 22.11.2024.

11. The parties are directed to file a short synopsis of submissions, not exceeding five pages before the next date of hearing, along with the judgments sought to be relied upon.

**SACHIN DATTA, J**

**OCTOBER 22, 2024/cl**