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

+ O.M.P. (COMM) 532/2020

(26) NEW DELHI MUNICIPAL COUNCIL ..... Petitioner  
Through: Mr. Yoginder Handoo, ASC along  
with Mr. Ashwin Katatria, Adv.

versus

APPLAUSE HOSPITALITY SERVICES PVT. LTD AND ANR  
..... Respondents  
Through: Ms. Leena Tuteja and Mr. Ishaan  
Chawla, Adv.

+ O.M.P. (COMM) 146/2021

(27) APPLAUSE HOSPITALITY SERVICES PRIVATE LIMITED &  
ANR. .... Petitioners  
Through: Ms. Leena Tuteja and Mr. Ishaan  
Chawla, Adv.

versus

NEW DELHI MUNICIPAL COUNCIL ..... Respondent  
Through: Mr. Yoginder Handoo, ASC along  
with Mr. Ashwin Katatria, Adv.

+ OMP (ENF.) (COMM.) 38/2022

(28) APPLAUSE HOSPITALITY SERVICES PVT LTD & ANR.  
..... Decree Holders  
Through: Ms. Leena Tuteja and Mr. Ishaan  
Chawla, Adv.

versus

NEW DELHI MUNICIPAL COUNCIL ..... Judgement Debtor  
Through: Mr. Yoginder Handoo, ASC along  
with Mr. Ashwin Katatria, Adv.

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

**ORDER**  
**15.12.2023**

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**OMP (ENF.) (COMM.) 38/2022**

1. One of the prayers which has been made in the present petition is as under:

*“(a) Direct the Judgment Debtor to reconcile it’s books of accounts as per the Arbitral Award and raise the revised reduced demand of Concession Fee after adjusting the waiver of Concession fee for the sealing period as directed /awarded by the Sole Arbitrator and the amount already paid by the Decree Holder towards concession fees.”*

2. Learned counsel for the petitioner/decreed holder submits that for reconciliation of accounts, it is imperative to work out the respective entitlement of the parties as contemplated in the impugned award. This is not controverted by learned counsel for the respondent/judgment debtor. However, he submits that the respondent/judgment debtor is constrained on account of the fact that the relevant files which are relevant for the purpose of the aforesaid, are not in the possession of the respondent/judgment debtor, and have been taken over by the vigilance department.

3. The respondent/judgment debtor is directed to pursue with the vigilance department so as to ensure that the necessary files/ copies thereof, are made available to it so as to ensure that the reconciliation exercise, as contemplated in the arbitral award, is carried out at the earliest and in any event within 08 weeks from today.

4. In case, the said exercise is not completed within the aforesaid period, the concerned officers of the respondent/judgment debtor shall remain personally present in court on the next date of hearing.

5. The respondent/judgment debtor shall take steps to apprise the vigilance department of this order so as to ensure the compliance with the directions made hereinabove.



6. List on 21.03.2024.

**O.M.P. (COMM) 532/2020**

**O.M.P. (COMM) 146/2021**

7. List on 21.03.2024.

**SACHIN DATTA, J**

**DECEMBER 15, 2023/cl**