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

+ **OMP (ENF.) (COMM.) 59/2018 & IA 5114/2018**

**PATEL L&T CONSORTIUM**

..... Decree Holder

Through: Mr. Amitesh Chandra Mishra and  
Mr. Ankit Chaturvedi, Advocates.

versus

**NHPC LTD.**

..... Judgement Debtor

Through: Mr. Tarkeshwar Nath, Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**ORDER**

% **13.07.2018**

This petition has been filed seeking enforcement of the Arbitral Award dated 2<sup>nd</sup> March, 2017 and the rectification order dated 18<sup>th</sup> April, 2017 passed by the Arbitral Tribunal adjudicating the disputes that had arisen between the parties in relation to the Contract dated 25<sup>th</sup> January, 2006 for construction of Diversion-cum-spillway Tunnel including Gates and Hoists, Rockfill Dam, intake structures and part Head Race Tunnel for Parbati Hydroelectric Project Stage-III at Kullu, Himachal Pradesh.

The Arbitral Tribunal has awarded an amount of Rs. 29,15,00,000/- along interest @10% p.a. (simple) from the date of award to the date of payment in favour of the Decree Holder and against the Judgement Debtor.

The Judgement Debtor challenged the above-mentioned award by way of a petition under Section 34 of the Arbitration and Conciliation Act, 1996 before the Special Commercial Court in Gurugram, Haryana. The same was returned by the Court vide its order dated 23<sup>rd</sup> January, 2018 on the ground of lack of territorial jurisdiction. The Judgement Debtor has



challenged the said order before the High Court of Punjab and Haryana by way of an appeal bearing FAO (Comm) NO. 4/2018. Admittedly, there is no order of stay on the enforcement of the Award.

I, therefore, see no reason for the Judgement Debtor not to pay the amount as awarded in the Arbitral Award to the Decree Holder. I direct the Judgment Debtor to make the payment of the awarded amount along with interest to the Decree Holder within eight weeks from today, subject to any order being passed by a competent Court in its favour.

List on 27<sup>th</sup> September, 2018.

*Dasti.*

**NAVIN CHAWLA, J.**

**JULY 13, 2018**

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