

EX 89/19

SOUTH DELHI MUNICIPAL CORPORATION Vs. AMRIT PAL SINGH

20.07.2022

Present: Sh. Pritish Sabharwal, Ld counsel for the DH through VC.

JD in person with Ld counsel Sh. Sourabh Dahiya.

Ld counsel for the JD submits that the three execution petitions of different awards against the JD are pending before Hon'ble Delhi High Court, however, in those execution petitions the DH has filed the calculation sheet in which the arbitral award amount of this execution petition is also mentioned and hence, indirectly the DH is claiming the amount vide instant petition as well as before Hon'ble Delhi High Court.

Per contra, Ld counsel for the DH submits that the DH/SDMC is seeking the execution of award dated 22.05.2017 and the petition challenging the said award u/s 34 of Arbitration and Conciliation Act has already been dismissed and disposed of. Ld counsel for the DH also submits that the DH/SDMC has not filed any other execution petition except the present one before any other Court and the JD has also filed an application before this Court in the present execution petition seeking permission to pay the award amount in installments, however, repeated adjournments are being sought by the JD on one pretext or the other and the JD has not paid the award amount despite the fact that the award dated 22.05.2017 has attained finality.

Perusal of the record reveals that the JD has also stated before Ld Predecessor on 27.10.2020 that he is ready to pay the award amount in installments, however, Ld counsel for the DH did not agree the said proposal and Ld Predecessor directed the JD to pay the decretal/award amount positively by the NDOH i.e. 19.12.2020.

Contd.....2

Perusal of the record also reveals that the JD did not comply the order dated 27.10.2020 and on 19.12.2020, the JD was directed to give the details of his assets and matter was adjourned, however, till date the JD has not even furnished the said affidavit on record and the adjournments are sought on one ground or another.

Since, the execution of the award dated 22.05.2017 has been pending since 05.02.2019 and the petition challenging the said award u/s 34 of Arbitration and Conciliation Act has already been dismissed and the fact that the JD has not made the payment of the award amount till date, I am of the opinion that no further adjournment is warranted in the present matter.

At this stage, JD who is present in person submits that he is ready and willing to pay the principal amount of the award i.e. Rs. 5,01,650/- by today itself and he will file the calculation sheet regarding the interest payable and would endeavour to clear the interest part shortly.

At this stage, JD handed over the cheque bearing no. 000146 dated 18.07.2022 for Rs. 5 lacs drawn on Punjab & Sind Bank, Connaught Place branch, New Delhi in favour of Commissioner, MCD and he assures that he will pay the remaining principal amount of Rs. 1,650/- during the course of the day vide cheque to Ld counsel for the DH.

JD is directed to ensure the encashment of the aforesaid cheques and the fresh calculation sheet qua the interest part shall be filed by both the parties before the NDOH with copy exchanged to each other.

Put up for further proceedings on **14.12.2022**.

(Manish Khurana)
Additional District Judge-03
Patiala House Courts, New Delhi
20.07.2022