

**IN THE COURT OF SH. LAL SINGH,
DISTRICT JUDGE (COMMERCIAL COURT)-12,
CENTRAL DISTRICT, TIS HAZARI COURTS, DELHI.**

EX. COMM – Award by Arb. Comm. 35/2026

In the matter of:

M/s Hindusthan Insulators And Industries Ltd.
(Formerly M/s Hindusthan Urban Infrastructure Ltd.)

..... DH

Versus

Delhi Transco Ltd.

.... JD

Order

16.05.2026

1. By this order, I shall dispose of the application u/s 151 CPC filed by the Decree Holder seeking direction to the Registry of the Hon'ble High Court to remit the amount of Rs.1,46,61,605/- along with accrued interest deposited by the Judgment Debtor in FAO (COMM) NO. 146/2025.

2. The Decree Holder has filed the execution petition before this court for execution of the arbitral award dated 02.09.2008. It is submitted that against the arbitral award dated 02.09.2008 the Judgment Debtor filed a petition under Section 34 of the Arbitration and Conciliation Act, 1996 for setting aside of award, which was registered as OMP No. 33 of 2009 before the Hon'ble High Court of Delhi. Subsequently, by an order dated 14.12.2016, the Hon'ble High Court transferred the matter to the Ld. District Court, Tis Hazari Courts, Delhi where it was renumbered as Arbitration Case No. 117 of 2017.

Thereafter, the Ld. District Judge-08, Central, Tis Hazri Courts, Delhi dismissed the said petition bearing Arbitration Case No. 117 of 2017 vide judgment dated 28.03.2025. It is further stated that against the judgment dated 28.03.2025, passed in Arbitration Case No. 117 of 2017, the Judgment Debtor filed an Appeal under Section 37 of the Arbitration and Conciliation Act, 1996 before the Hon'ble High Court, which is registered as FAO (COMM.) 146/2025. In the said appeal, the Hon'ble High Court vide order dated 28.05.2025 directed the Judgment Debtor to deposit the entire awarded amount. Pursuant to the said order dated 28.05.2025, the judgment debtor deposited an amount of Rs. 1,46,61,605/- on 08.07.2025 in the name of Registrar General of the Hon'ble High Court. Thereafter, the Hon'ble High Court vide judgment dated 09.10.2025 dismissed the said FAO (COMM.) 146/2025. Thereafter, the Judgment Debtor preferred Special Leave Petition bearing SLP (C) No. 2794 /2026 before the Hon'ble Supreme Court against the judgment dated 09.10.2025 passed in FAO (COMM.) 146/2025. The said SLP(C) No. 2794/2026 was dismissed by the Hon'ble Supreme Court vide order dated 13.02.2026.

3. It is also stated in the instant application that after dismissal of the above said SLP, the Decree Holder filed an application bearing CM APPL. No. 11780/2026 before the Hon'ble High Court in FAO (COMM.) 146/2025 for the release of amount deposited by the Judgment Debtor in terms of the order dated 28.05.2025. It is submitted by the Decree Holder that the Hon'ble High Court was of the opinion that the same shall be now the domain of the executing court and the said application was withdrawn by the Decree Holder in order to file the execution petition. It is further submitted that the aforesaid amount of Rs.1,46,61,605/- deposited by the Judgment Debtor with the Registry of the High Court pursuant to the order dated 28.05.2025 passed in FAO (COMM.) 146/2025 is still lying deposited with the Registry of the

Hon'ble High Court. As per the Decree Holder, the intent and purpose of the order dated 28.05.2025 in FAO (COMM.)146/2025 was that the decretal amount may be secured and in the event of the judgment debtor losing in the appeal, the decretal amount may be given to the Decree Holder without running after the Judgment Debtor. Further, it is submitted that since, now the Judgment Debtor has already lost upto to Hon'ble Supreme Court, the aforesaid amount lying deposited with the Registry of the Hon'ble High Court is to be remitted to the Decree Holder towards the satisfaction of the decree. Thus, the Decree Holder prayed that the Registry of the Hon'ble High Court may be directed to remit the said amount of Rs. 1,46,61,605/- deposited by the Judgment Debtor with the Registry of the High Court pursuant to the order dated 28.05.2025 passed in FAO (COMM.) 146/2025 to this Court and the same may be disbursed to the Decree Holder towards the satisfaction of the decree.

4. Though the Judgment Debtor has not filed reply to the instant application under section 151 CPC, however, the Judgment Debtor has filed reply to the execution petition, wherein the Judgment Debtor contended that since the amount so deposited is lying in the custody of the Registrar General of the Hon'ble High Court, it is only within the domain of the Hon'ble High Court to order such release and Decree Holder cannot seek such direction from this court.

5. Heard.

6. Ld. counsel for the Decree Holder submitted that the abovesaid amount lying deposited with the Registry of the Hon'ble High Court and therefore, this court may direct the Registry of the Hon'ble High Court to remit the aforesaid amount to this court for disbursement of the said amount to the Decree Holder.

7. On the other hand, Ld. counsel for Judgment Debtor submitted that the amount of Rs.1,46,61,605/- was deposited with the Registry of Hon'ble High Court, by order of the Hon'ble High Court in

FAO (COMM) 146/2025 and the said amount can be released by the order of Hon'ble High Court only. He further submitted that this court cannot give directions to the Registry of the Hon'ble High Court for remitting the aforesaid amount in this court and hence, the instant application deserves to be dismissed.

8. I have considered the above submission of the Ld. counsels for parties and perused the file.

9. In the instant application, the plaintiff is seeking directions to the Registry of the Hon'ble High Court to remit the amount of Rs.1,46,61,605/- as deposited by the Judgment Debtor in FAO (COMM) 146/2025. Against the judgment dated 28.03.2025 passed in Arbitration Case No.117/2017, Judgment Debtor filed an appeal u/s 37 of Arbitration and Conciliation Act, 1996 before the Hon'ble High Court which was registered as FAO (COMM) 146/2025. Parties submitted that in the said appeal, the Hon'ble High Court vide order dated 28.05.2025 directed the Judgment Debtor to deposit the entire awarded amount with the Registry of the Hon'ble High Court. Thereafter, in pursuance of the abovesaid order dated 28.05.2025, the Judgment Debtor deposited an amount of Rs.1,46,61,605/- on 08.07.2025 in the name of Registrar General, Hon'ble High Court. Thereafter, vide judgment dated 09.10.2025, Hon'ble High Court dismissed the said FAO (COMM) 146/2025. After that the Judgment Debtor also preferred Special Leave Petition bearing SLP (C) 2794/2026 before the Hon'ble Supreme Court against the judgment dated 09.10.2025 passed in FAO (COMM) 146/2025. The said SLP (C) 2794/2026 was also dismissed by Hon'ble Supreme Court vide order dated 13.02.2026. The Decree Holder has also placed the copies of abovesaid judgment/ orders on record.

10. Admittedly the abovesaid amount of Rs.1,46,61,605/- was deposited by the Judgment Debtor with the Registrar General of Hon'ble High Court in pursuance to order dated 28.05.2025 of Hon'ble High

Court in FAO (COMM) 146/2025. It is the contention of Ld. counsel for the Judgment Debtor that since the amount is deposited in compliance of the order of Hon'ble High Court, hence, it is only within the domain of Hon'ble High Court to order such release. This court is also of the view that this court cannot give such directions to the Registry of the Hon'ble High Court. Since the said amount of Rs.1,46,61,605/- was deposited with the Registrar General of Hon'ble High Court of Delhi, in compliance of order dated 28.05.2025 of the Hon'ble High Court, therefore, in these circumstances, this court cannot give directions to the Registry of Hon'ble High Court to remit the said amount of Rs.1,46,61,605/- to this court. Thus, the instant application filed by the Decree Holder seeking directions to the registry of Hon'ble High Court to remit the amount of Rs.1,46,61,605/- to this court is bereft of any merit and hence, the same deserves to be dismissed and accordingly, the application under section 151 CPC is dismissed.

11. The above application under section 151 CPC is disposed of accordingly.

Announced in Open
Court on 16.05.2026

(LAL SINGH)
District Judge (Commercial Court)-12
Central District, Tis Hazari Courts /Delhi
16.05.2026