

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

**MAIN CASE No.: A.S.Nos. 708, 709, 710/2023, C.R.P.Nos.811, 812 and 813
of 2025 and 743, 744 and 745 of 2026**

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
3.	24.04.2026	<u>RNT, J&BM, J</u> On 21.04.2026, this Court passed the following order: <u>“ A.S.No.708 of 2023</u> <i>The petition filed by the present appellant under Order 21 Rule 58 C.P.C., in E.A.No.50 of 2019 in E.P.No.287 of 2016 in A.R.B/CA. No.17SE/76-77, to release the petition schedule property from the attachment, was rejected by the Execution Court by order dated 09.10.2023, and challenging the same appellant/ claim petitioner, has filed the present appeal.</i> <i>2. The 1st respondent is the holder of the award and the 2nd respondent is the Judgment debtor (in short ‘J.Dr.’). The E.P. has been filed by the 1st respondent for execution of the award as decree.</i> <i>3. The connected CRPs have been filed by the State challenging the proceedings of the Execution Court, after the attachment, and for sale/proclamation of sale of the attached properties.</i> <i>4. The main contention of the learned counsel appearing for the appellant, Sri Dammalapati Srinivas, is that the E.P. schedule property attached by the</i>	

		<i>Execution Court could not be attached under order 21 rule 43 of C.P.C., mainly for the reasons that i) the property was not the movable property; but an immovable property as attached to the earth; ii) it was not in the possession of J.Dr and iii) that it belongs to the appellant.</i> <i>5. His further submission is that the documents filed have not been correctly appreciated by the Execution Court. There was no transfer of the generating unit to the claim petition by the J.Dr. It was established by Andhra Pradesh State Electricity Board (in short 'APSEB'), which transferred the same to the claim petitioner/appellant the Andhra Pradesh Power Generation Corporation (in short 'APGENCO'), in the year 1999, i.e., much prior to the institution of the award proceedings as also the award.</i> <i>6. In this regard, he prays time to file a memo/application, along with relevant documents including (Ex.P3), which was filed in the Execution Court, in the Registry by tomorrow.</i> <i>7. Learned counsel appearing for the respondent No.1 submits that the respondent No.2/State Government has already paid the principal amount under the award, and so far as the interest part is concerned, some negotiations are going on between the 1st respondent and the 2nd respondent.</i> <i>8. Both the learned counsels submit that the date fixed in the Execution Court is 27.04.2026.</i> <i>9. Let the memo be filed by the appellant as aforesaid and an affidavit be also filed by the 1st respondent, as to what has been submitted by the learned counsel for respondent No.1.</i> <i>10. List on 24.04.2026."</i>	
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		2. The memo has been filed on behalf of the 1st respondent/decreed holder. Para No.7 thereof, reads as under: <i>“7) At this juncture, the representatives of the 2nd Respondent/JDR invited the representatives of the 1st Respondent / Award Holder for holding discussions / negotiations for an amicable settlement of the outstanding payments to be made towards interest due on the sum awarded. Accordingly, they had meetings on 07/04/2026 in the O/o Superintending Engineer, Kurnool & 10/04/2026 in the O/o the Chief Engineer, Kurnool, wherein the representatives of the 2nd Respondent/JDR have handed over the calculation sheet with 12% interest per annum as against the awarded rate of interest of 15% per annum. A comparative table of the difference of calculation between future interest @12% p.a. and 15% p.a. is filed herewith as Annexure 'C'. The representatives of the 1st Respondent/Award Holder informed the 2nd Respondent/JDR that their offer will be put up to the Board of Directors for their consideration.”</i> 3. Learned counsel for the 1st respondent, submits that negotiations are going on between the decreed holder and judgment debtor to settle the matter with respect to the rate of interest. He submits that it would take some time, may be one week and requests that the matter may be posted after one week. 4. List on 05.05.2026.	
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		5. Learned counsel for the claim petitioner submits that execution case is fixed for 27.04.2026 for further proceedings. 6. In view of the aforesaid submission of the respondents' counsel, particularly, para No.7 of the memo filed by the 1st respondent, it is provided that the Execution Court shall not proceed further and shall adjourn the execution proceedings for a period of one week and shall fix a date after the date fixed in this appeal. RNT, J BM, J Pab	
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