



\$~14

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

+ EX.P. 131/2015 (*disposed of*)

ROYAL CONSTRUCTION COMPANY PVT.
LTD.

..... Decree Holder

Through: Mr. Rajeev Saxena, Advocate.

versus

NATIONAL PROJECTS CONSTRUCTION
CORPORATION LTD. (NPCC)

..... Judgement Debtor

Through: Mr. Paritosh Budhiraja and Ms.
Pooja Sharma, Advocates

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

08.05.2024

EX.APPL.(OS) 239/2023 (Application on behalf of the decree holder for releasing the part security), EX.APPL.(OS) 1355/2023 (for placing on record the judgement passed by the hon'ble Supreme Court) & EX.APPL.(OS) 554/2024 (Application on behalf of the decree holder for directing the judgement debtor to pay the decree amount to the decree holder)

1. By order dated 12.02.2024, the Court directed as follows:

"1. The present proceedings are for enforcement of an Award dated 10.08.2002. Mr. Rajat Arora, learned counsel for judgment debtor – a public sector company, states that the parties are still in the process of reconciliation of accounts.

2. The decree holder has filed a computation alongwith EX.APPL.(OS) 1355/2023. According to it, the amount due from the judgment debtor is to the tune of USD 3216662.77 as on 11.10.2023, after adjustment of all amounts received. The judgment debtor disputes this computation but has not placed its own computation on record. Mr. Arora states



that the parties are attempting to negotiate a settlement.

3. Be that as it may, the least that the judgment debtor must do is to place on record its computation of the amounts due under the award and deposit the balance amount payable, event on that computation, into Court. The same be done, and an affidavit be filed, within four weeks from today.

4. In the meanwhile, the parties are at liberty to continue the process of reconciliation of accounts but the same must be done in a time-bound manner. The award is now more than 21 years old, and the settlement, if any, must be taken up expeditiously on both sides.

5. If no settlement has been achieved, the judgment debtor will also file its affidavit of assets in terms of Form-16A, Appendix E under Order XXI Rule 41(2) of Code of Civil Procedure, 1908, within six weeks from today.

6. EX.APPL.(OS) 151/2024 is disposed of in terms of these directions.

7. List EX.APPL.(OS) 239/2023 & EX.APPL.(OS) 1355/2023 on 08.05.2024.”

2. Despite this order, I am informed that neither the accounts have been reconciled nor has the affidavit of assets been filed by the judgment debtor.

3. Mr. Paritosh Budhiraja, learned counsel, appears on behalf of the judgment debtor and states that he has been engaged only yesterday and therefore seeks an adjournment.

4. I am afraid the facts noted in the order dated 12.02.2024 make it impossible to grant an adjournment without putting the judgment debtor to terms. The change of counsel a day before hearing cannot be a ground to condone non-compliance of an order passed almost three months ago, that too in respect of an award which is of such vintage.

5. Further time is granted to judgment debtor to file its affidavit of assets within a period of four weeks from today failing which its officer, not below the rank of Executive Director, shall remain present in Court on the next date of hearing.



6. This order is passed subject to payment of costs of Rs.25,000/- by the judgment debtor to the decree holder within two weeks from today.
7. The judgment debtor may also file its computation with regard to the outstanding amount under the Award.
8. Without prejudice to the rights and contentions of the parties, the balance amount payable under the Award, according to the judgment debtor's own computation, be deposited in Court within eight weeks from today.
9. List on 06.08.2024.

PRATEEK JALAN, J

MAY 8, 2024
SS/