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

+ **LA.APP. 634/2010**

MUNICIPAL CORPORATION OF DELHIAppellant

Through: Mr. Sanjay Vashishtha,
Standing Counsel with Mr.
Siddharth Goswami, Ms.
Geetanjali Reddy and Mr.
Aditya Sachdeva, Advs.

versus

EM PEE METALS & ANR

.....Respondents

Through: Mr. S. K. Rout, Ms. Dimple
Dhamija, Mr. Aman Mehrotra
and Mr. Achin Saxena, Advs.
for R-1.

Mr. Sanjay Kumar Pathak,
Standing Counsel with
Mr. Sunil Kumar Jha and
Mr. M. S. Akhtar, Advs. for R-
2.

CORAM:

HON'BLE MS. JUSTICE RENU BHATNAGAR

ORDER

%

28.11.2025

CM APPL. 74741/2025

1. Allowed, subject to all just exceptions.

CM APPL. 74740/2025 (for release of 50 % of enhanced amount of compensation)

1. This is an application filed under Section 151 of the Code of Civil Procedure, 1908, by Respondent No. 1/landowner seeking release of 50% of enhanced decretal amount of compensation amounting to Rs. 62,07,696/- duly deposited by the appellant on



13.09.2010.

2. It is stated by the learned counsel for Respondent No. 1 that *vide* Order dated 01.06.2010, the appellant was directed to deposit the entire decretal amount at the time of granting stay. The said amount totaling to Rs. 62,07,696/- was deposited by the appellant.

3. It is further stated that *vide* Orders dated 17.02.2025 and 21.01.2025 passed in LA. APP. 59/2021 titled **NDMC v. M/s Divya Automates & Anr.** and LA. APP. No. 108/2016 titled **NDMC v. Sandeep Sachdeva & Anr.** respectively, pertaining to the same Award and same notification, this Court had already ordered release of 50% of the enhanced decretal amount on furnishing of an indemnity bond with an affidavit stating therein that in case the appeals succeeds, the land owners shall repatriate the amount so released to them.

4. In support of his submissions, learned counsel for the applicant/respondent No. 1 has referred to the decision of the Hon'ble Supreme Court in **Kazi Moinuddin Kazi Bashiruddin & Ors. vs. Maharashtra Tourism Development Corporation & Anr.** 2022 SCC OnLine SC 1325.

5. Issue notice.

6. Notice is accepted by learned counsel appearing for the appellant as well as by the learned counsel for Respondent No. 2. They submit that in view of the settled proposition of law as held by the Apex Court in **Kazi Moinuddin Kazi Bashiruddin & Ors. (Supra)** and other cases, they have no objection if the above stated amount is released to Respondent No. 1/applicant subject to his furnishing of adequate security/indemnity bond.



7. Heard.
8. A perusal of the record reveals that *vide* order dated 01.06.2010, this Court granted stay on the operation of the impugned judgment subject to the appellant depositing entire enhanced decretal amount. Pursuant thereto, the appellant deposited a sum of Rs. 62,07,696/- with this Court on 13.09.2010.
9. Accordingly, in view of the Judgment of the Hon'ble Supreme Court in ***Kazi Moinuddin Kazi Bashiroddin & Ors. (Supra)***, the application is allowed and 50% of the enhanced decretal amount as deposited in terms of the Order dated 01.06.2010, is directed to be released along with interest accrued thereon to Respondent No. 1/applicant, on furnishing of an indemnity bond and subject to the satisfaction and necessary verification of the Registrar General of this Court.
10. Let an undertaking in the form of an affidavit be filed by Respondent No. 1, setting out that in the event the appellant succeeds in the present appeal, Respondent No. 1 shall return the compensation amount so released, back to the appellant.
11. In view of the above, the present application stands disposed of.

RENU BHATNAGAR, J

NOVEMBER 28, 2025

p/my