



**CWP No.1004/2019 a/w
RFA No.349/2018**

CWP No.1004/2019

19.11.2019 Present: Mr. Rajesh K. Sharma, Assistant Solicitor General of India, for the petitioner.

Mr. Ashok Sharma, Advocate General, with M/s Ranjan Sharma, Ritta Goswami, Adarsh Sharma, Ashwani Sharma & Nand Lal Thakur, Additional Advocate Generals, for respondents No.1 to3/State.

Mr. M.A. Khan, Sr. Advocate, with Ms. Hemkanta Kaushal, Advocate, Respondent No.4.

RFA No.349/2018

Mr. Rajesh K. Sharma, Assistant Solicitor General of India, for the appellants.

Mr. M.A. Khan, Sr. Advocate, with Ms. Hemkanta Kaushal, Advocate, Respondent No.1.

Mr. Ashok Sharma, Advocate General, with M/s Ranjan Sharma, Ritta Goswami, Adarsh Sharma, Ashwani Sharma & Nand Lal Thakur, Additional Advocate Generals, for respondents No.2 & 3/State.

CMP No.12596/2019 in RFA No.349/2018

By means of this application a prayer has been made on behalf of the appellants/applicants for permission to deposit a sum of Rs.5 crores out of the awarded amount. Vide order dated 20.09.2018, the execution of the award was stayed subject to deposit of the entire awarded amount alongwith upto date interest in the Registry of this Court within a period of six weeks.



The appellant/applicant failed to deposit the awarded amount in terms of order dated 20.9.2018. Therefore, on 14.6.2019, the order dated 20.9.2018, was modified to the extent that the claimants were granted liberty to execute the award with further observations that pendency of the petition would not come in the way of the learned Executing Court in the execution of the award.

Though, the appellant/applicant has not deposited the awarded amount within time granted by this Court, vide order dated 20.9.2018 and has come up with this application only on 31.10.2019. However, in order to show its bona fide, learned Assistant Solicitor General of India, on instructions received from Mr. Manmohan Singh, Scientist, Department of Metrology, Shimla H.P., who is present in the Court, has submitted that a sum of Rs. 5 crores has already been deposited. In addition to this, an amount of Rs.10 crores out of the awarded amount will be deposited in the Registry of this Court within a period of two weeks from today. Based on such submissions, we modify the orders dated 20.9.2018 and 14.06.2019 & stay the execution of the award, subject to deposit of Rs.10 crores by the appellant/applicant within a period of two weeks from today, in the Registry of this Court.



2019:HHC:11626-DB

List on **12th December, 2019**, for further orders.

**(L. Narayana Swamy),
Chief Justice**

**(Jyotsna Rewal Dua),
Judge**

19th November, 2019
(Rohit)