

Court No. - 21

Case :- APPEAL UNDER SECTION 37 OF ARBITRATION AND CONCILIATION ACT 1996 No. - 65 of 2022

Appellant :- M/S Hindustan Cables Ltd. And Another

Respondent :- M/S Goyal Mg Gases Pvt. Ltd. And Another

Counsel for Appellant :- Aarushi Khare

Counsel for Respondent :- Rajesh Mishra

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Jayant Banerji,J.

Civil Misc. Time Extension Application No.4 of 2023

1. Heard learned counsel for the parties.
2. By this application, the applicant-appellants have applied for enlargement of time granted by order dated 21.09.2022 to deposit the decretal amount alongwith interest.
3. It is submitted that after passing of the conditional order by this Court, the appellants approached the Delhi High Court, which is Executing Court seized with execution of the award. Initially, the amount was not accepted on the plea that there was no such order by the Delhi High Court nor any order had been communicated by the Allahabad High Court, but later on, there was dispute relating to computation between the parties and a detailed order dated 17.05.2023 was passed by the Executing Court (Delhi High Court).
4. It is submitted that the exercise relating to computation of the amount to be deposited by the appellants in terms of the impugned award, is still not complete. The appellants had challenged certain order passed by the Delhi High Court before the Supreme Court by filing Special Leave to Appeal (C) No.11912 of 2023. The Supreme Court, by order dated 05.07.2023, has declined to interfere with the order impugned

before it, but has observed that the appeal be decided by the High Court within three months. It is submitted that the appeal is likely to be heard shortly and, therefore, the time for depositing the decretal amount be extended.

5. Learned counsel appearing on behalf of the respondents submitted that the appellants are delaying the process of computation of the amount and they cannot take benefit of their own wrong.

6. Having gone through the order dated 17.05.2023 passed by Delhi High Court in execution proceedings, we are of the opinion that there is a genuine dispute between the parties with regard to computation of the amount payable under the award.

7. In such circumstances, we grant three weeks further time to the appellants to ensure compliance of the previous order dated 21.09.2022.

8. The application stands **disposed of** accordingly.

9. We are informed that 08.08.2023 is fixed for hearing of the appeal. Accordingly, office shall list the appeal for hearing before the appropriate Bench as per roster on the date fixed.

Order Date :- 28.7.2023

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(Jayant Banerji, J.) (Manoj Kumar Gupta, J.)