

1. Leave already granted.

2. After hearing learned counsel appearing for the parties, we pass the following directions:

A. The respondent herein had admitted its liability to return the excess amount of Rs. 46,81,934.50 which is lying with the respondent w.e.f.

12.9.2001. The respondent is directed to deposit the aforesaid amount in the Executing Court with interest @ 6% p.a. w.e.f. 12.9.2001 till the date of actual deposit within one month from today.

B. Insofar as the rest of the rival claims are concerned, the parties shall appear before the

: 2 :

Executing Court on 10.1.2011 by way of execution/restitution proceedings. The Executing Court shall dispose of the matter by one way or the other within six months from the date of filing of the said application for execution/restitution proceedings. All the questions regarding the calculation shall remain open to both the parties. On deposit of the aforesaid amount, the bank guarantee furnished by the respondent shall be adjusted meaning thereby that for the remaining amount, the bank guarantee shall remain.

3. With these observations, I.A. No. 3 stands disposed of.

.....J.
(V.S.SIRPURKAR)

.....J.

(T.S. THAKUR)

New Delhi,
DECEMBER 10, 2010.