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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
EX.APPL.(OS) 2933/2022

IN

+ **OMP (ENF.) (COMM.) 145/2021**

DELHI AIRPORT METRO EXPRESS PRIVATE LIMITED

..... Decree Holder

Through: Mr. Harish Salve, Sr. Adv. and
Mr. Sandeep Sethi, Sr. Adv. with
Mr. Mahesh Agarwal, Mr. Rishi
Agarwal, Ms. Megha Mehta,
Ms. Niyati Kohli, Mr. Pranjit
Bhattacharya and Ms. Manvi
Agarwal, Advs.

versus

DELHI METRO RAIL CORPORATION LTD.

..... Judgment Debtor

Through: Mr. Parag P. Tripathi, Sr. Adv. and
Mr. A. K. Sinha, Sr. Adv. with
Mr. Tarun Johri and Mr. Ankur
Gupta, Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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06.09.2022

EX.APPL.(OS) 2933/2022

1. On August 16, 2022, this Court had passed the following order:

“1. On June 20, 2022, while considering an application filed by the decree holder being EX.APPL.(OS) 2933/2022, this Court has in paragraphs 53 and 54 sated as under:-

“53. Rather the case of the DMRC / Judgment debtor is that in terms of the liberty granted for raising loans, the DMRC has called for quotations / proposals for raising Capex loan from various banks for payment of the

amount due and payable to the applicant / decree holder and the DMRC expects to process the bids of the banks by July 10, 2022, and expects the signing of loan documents by August 15, 2022. He, during his oral submissions, did state that the matter be posted in the early part of August 2022 to ensure payment of the outstanding amount to the applicant / decree holder.

54. Noting the submissions made by the counsels, this Court is of the view that the challenge to the order dated March 10, 2022, by the petitioner was decided on May 05, 2022, and action has been initiated by the DMRC, as noted-above, time should be granted to DMRC to ensure payment of the outstanding amount to the applicant/decree holder on or before August 05, 2022. It is ordered accordingly.”

2. Pursuant thereto an affidavit has been filed along with certain documents. The same is not on the record of the Court. A copy of the same has been given to the Court. It is the submission of Mr. Sandeep Sethi, learned Senior Counsel for the decree holder that despite order of this Court, the judgment debtor has not paid any amount till date. He does concede, the decree holder has challenged the order dated June 20, 2022 only to the extent of time granted by this Court to judgment debtor to comply with the award till August 5, 2022. He states, this Court should pass an order directing attachment of the bank accounts of the judgment debtor.

3. On the other hand, Mr. Parag P. Tripathi, learned Senior Counsel appearing for the judgment debtor would submit that the judgment debtor has filed a Curative Petition before the Supreme Court and as per the information received from the

Registry, the same shall be listed on August 18, 2022. He also states that SLP challenging the order dated March 10, 2022 has been filed and the judgment debtor intends to get the same listed at the earliest. He states that the matter be deferred, so that the outcome of the above two petitions filed by the judgment debtor is known.

4. Noting the submissions made by learned Counsel for the parties and the fact that the judgment debtor has filed a Curative Petition as well as SLP challenging the order dated March 10, 2022, I deem it appropriate to defer the proceedings in the application to September 06, 2022.”

2. I have been informed that the Curative Petition has not been listed before the Supreme Court. Even the SLP filed by the judgment debtor challenging the order dated March 10, 2022 has been dismissed.

3. Mr. Tripathi, learned Senior Counsel appearing for the judgment debtor seeks four weeks time to pay the balance amount in terms of the award which has attained finality.

4. On the other hand, Mr. Harish Salve, learned Senior Counsel appearing for the decree holder would submit that no further time should be granted as the order for making the payment dated March 10, 2022 was not adhered to. Even further time granted till August 05, 2022 was also not adhered to. In substance he states, the prayer of Mr. Tripathi for grant of further time is without any justification.

5. Noting the submissions made by the learned Senior Counsel for the parties, I deem it appropriate to direct that the balance payment in terms of the award shall be made within a period of four weeks.

6. It is made clear that if the amount is not paid within four weeks, the Court shall be constrained to call the appearance of the Managing Director of the DMRC before this Court.
7. Re-notify on October 10, 2022.

V. KAMESWAR RAO, J.

SEPTEMBER 6, 2022/aky