

Perkins Eastman Architects Dpc & Anr vs Hssc India Limited on 17 March, 2023

Author: Yashwant Varma

Bench: Yashwant Varma

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ OMP (ENF.) (COMM.) 146/2022
PERKINS EASTMAN ARCHITECTS DPC & ANR.

..... Decree Holders

Through: Mr. Pranaya Goyal, Mr.
Chiranjivi Sharma, Ms. Neetika
Sharma, Advs.

versus

HSCC INDIA LIMITED

..... Judgement Debtors

Through: Mr. Udit Seth, Mr. Prateek,
Mr.Vivek GB, Advs.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA
ORDER

% 17.03.2023

1. By a detailed order of 07 February 2023, the Court had framed directions for the release of the amount deposited by the respondent pending its challenge in the petition preferred under Section 34 Arbitration and Conciliation Act, 1996 in favour of the petitioners.

2. Since there are two enforcement petitioners on the record, the Registry appears to have taken a view that there was a lack of clarity with respect to the release of payments being made to which of the enforcement petitioners. This was the issue which was noticed by the Court in its order of 27 February 2023.

3. Pursuant thereto, the enforcement petitioners have placed on the record a further affidavit which refers to the Consortium Agreement dated 22.05.2017 which had been jointly entered into by petitioner nos. 1 and 2 and the creation of a Project Account in terms thereof. The said affidavit also places on the record a consent letter of 15 March 2023 executed by the petitioner no.2 in favour of petitioner no.1 and asserting therein that the amounts liable to be released may be made over to the petitioner no.1 and in the bank account which stands set forth in that communication. The bank account particulars which are set forth in that authority letter are reproduced hereinbelow:-

"i. Beneficiary's Name: Perkins Eastman Architects DPC ii. Account Number: 918020001828115 iii. IFSC Code: UTIB0000004"

4. In view of the aforesaid, the Registry to proceed accordingly. The amount presently held in deposit be transferred to the beneficiary bank account as per details set forth hereinabove subject to due verification.

YASHWANT VARMA, J.

MARCH 17, 2023 bh