

Seli Hydro electric Power Co. Ltd. vs. Director, Directorate of Energy and another

Execution Petition No. 1024 of 2010

18.11.2024 Present: Mr. Viplav Sharma, Senior Advocate with Mr. Anirudh Sharma, Advocate, for the petitioner.

Nobe for respondent No. 1.

Mr. Pushpender Jaswal, Additional Advocate General for respondent No. 2.

By way of these execution proceedings, the petitioner is praying for the execution of the judgment passed by the Hon'ble Coordinate Bench of this Court in CWP No. 533 of 2018, titled as Seli Hydro Electric Power Company Limited vs. Director, Directorate of Energy and another, dated 13.01.2023, in terms whereof, the respondents have been directed to refund the up-front premium of Rs. 64.00 Crores as deposited by the petitioner alongwith interest @ 7% per annum with effect from the date of filing of the petition till its realization.

The judgment was announced by the Court on 13.01.2023. In the letters patent appeal that was filed by the State, Hon'ble Division Bench of this Court was pleased to grant stay subject to the State depositing the awarded amount with up-to-date interest. As the same was not deposited, again time was granted by Hon'ble Division Bench to the State to deposit the award amount, with the caveat that if needful is not done, interim protection granted to the appellants shall be vacated. Thereafter on 15.07.2024, Hon'ble division Bench

vacated the interim protection as the amount in question was not deposited by the State. Therefore, as of now, as there is no interim protection in favour of the respondents-State, obviously, the award has to be implemented more so for the reason that delay in deposit of the award amount by the State is entailing interest on daily basis which has to be paid from the public exchequer. Therefore, for the purpose of execution of the award in issue, this Court orders the attachment of Himachal Bhawan, 27-Sikandra Road, Mandi House, New Delhi, and the execution petitioner may take appropriate steps for auction thereof.

In addition, Principal Secretary (MPP & Power) shall hold a fact finding enquiry as to on account of omission of which particular officer(s), the amount has not been deposited as the interest shall be ordered to be personally recovered from the erring Officer(s)/official(s). Needful be positively done within a period of 15 days and report of the enquiry be placed before the Court on the next date.

List on 06.12.2024.

(Ajay Mohan Goel)
Judge

November 18, 2024
(narender)