

NIC v. Kailash
CMP No. 9399 of 2023 in FAO No. 18 of 2020

31.7.2023 Present: Mr. Abhinav Thakur, proxy counsel, for the appellant.
Mr. Shivam Sharma, proxy counsel, for the respondents.

By way of instant application, prayer has been made by the applicant/appellant, for refund of the excess amount, lying deposited in the Registry of this court. No reply is intended to be filed to the instant application by the non-applicants.

Having perused averments contained in the application, which is duly supported by an affidavit, this court finds that FAO No. 18 of 2020, having been filed by the applicant/appellant stands finally decided vide judgment dated 15.3.2023 passed by this Court, whereby award passed by the learned MACT below has been reduced and applicant/appellant has deposited the complete award amount as was passed by the learned MACT below. Since no appeal, whatsoever, has been filed against the aforesaid judgment in the superior court of law by either of the parties, same has attained finality.

Consequently, in view of the above, this court sees no impediment in accepting the prayer having been made by the applicant for release of excess amount lying deposited in the Registry of this Court and accordingly, the application is allowed and Registry is directed to release the excess amount in favour of applicant, by remitting the same in its saving bank account strictly, detail whereof is mentioned in para-5 of the application, subject to verification by the Accounts Branch. Needless to say, Registry while doing the needful in terms of the instant order shall take into consideration the judgment passed by this Court, whereby amount awarded by the learned MACT below stands partially modified. Application stands disposed of.

July 31, 2023
manjit

(Sandeep Sharma),
Judge