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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ O.M.P. 194/2013

M/S PROGRESSIVE CONSTRUCTIONS LTD Petitioner

Through: Mr. Amit George, Advocate

versus

M/S NATIONAL HIGHWAYS AUTHORITY
OF INDIA

..... Respondent

Through: Ms. Padma Priya, Mukesh Kumar and
Ms. Meenakshi Sood, Advocates

+ O.M.P. 195/2013

M/S PROGRESSIVE CONSTRUCTIONS LTD Petitioner

Through: Mr. Amit George, Advocate

versus

M/S NATIONAL HIGHWAYS AUTHORITY
OF INDIA

..... Respondent

Through: Ms. Padma Priya, Mukesh Kumar and
Ms. Meenakshi Sood, Advocates

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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29.07.2013

Notice in the captioned petitions was issued on 27.02.2013 when the respondent was represented by Ms. Padma Priya, Advocate. On that date, the statement of the counsel for the respondent was taken on record. As per the statement given, the respondent had indicated that it will not take any

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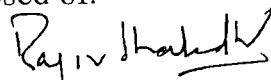
action pursuant to letters dated 04.12.2012 and 31.12.2012 till the next date of hearing. While pleadings in the captioned matters were being complete, this order in the captioned petitions has continued to operate to date.

I am also informed by the counsel for the parties that dispute resolution mechanism has been triggered and issues raised by the aggrieved party are pending consideration before the Dispute Resolution Board (in short DRB). It is not disputed that if no resolution is arrived before the DRB, the aggrieved party would be entitled to trigger the arbitration agreement.

In these circumstances, the captioned petitions are disposed of with a direction that the interim order dated 27.02.2013 shall continue to operate pending the resolution of the dispute by the DRB. It is further ordered that, in the event parties fail to resolve the dispute before the DRB, the interim order would continue to operate till appropriate proceedings are taken out, within a reasonable period of time, as contemplated under the contract for triggering the arbitration mechanism.

In case the arbitration mechanism is triggered, the Arbitrator will treat the captioned petitions as applications under Section 17 of the Arbitration and Conciliation Act, 1996. In that situation, the learned arbitrator will be free to vacate or modify or affirm or even expand the scope of the interim order in accordance with law as may be deemed fit, after giving due opportunity to both the parties.

The captioned petitions are accordingly disposed of.


RAJIV SHAKDHER, J

JULY 29, 2013/yg
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