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

+ **FAO(OS) 480/2013 and CM Nos. 4889-4890/2016**

DELHI DEVELOPMENT AUTHORITY Appellant

Through: Mr Rajiv Bansal, Senior Standing
Counsel for DDA, Mr Vaibhav Agnihotri and
Ms Arpita and Mr Siddhant, Advs.

versus

ASSOCIATED BUILDERS Respondent

Through: Mr Bhavesh Kumar Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **05.05.2016**

**Review Petition No. 76/2016 (by respondent against judgment
dated 15.10.2015 in respect of claim Nos. 11,12 and 13)**

The Review Petition is premised on two grounds; firstly that the learned Single Judge's determination as to Claim No. 11 for extra work and the sum determined by him was justified and that this Court fell into error in interfering with it. Likewise, it is alleged that with respect to Claim Nos. 12 and 13, the final judgment of the Court setting aside sum of Rs.1,32,066/- what was awarded by the learned Single Judge was erroneous.

As far as Claim No.11 goes, this Court had noted that the Arbitrator had considered the letter of the Executive Engineer relied upon by the Review Petitioner. The award was based upon his interpretation of the said letter which fell within his exclusive domain.

The learned Single Judge, however, upset those findings and found in favour of the claimant.

This Court is of the opinion that the claim *ipso facto* could not have been granted on the basis of an interpretation favoured by the learned Single Judge. We see no reason for upsetting that finding. Likewise, as far as the decision with respect to Claim Nos. 12 and 13 goes, this Court had not only considered the reasoning of the learned Single Judge, but also the primary material and observed that “the calculation was made on quarterly basis rather than on monthly basis as was alleged by the claimant”. As a result, we are of the opinion that what the review petitioner urges is re-argument on the merits rather than pointing to errors apparent on the face of the record.

The review petition is consequently dismissed as without merit.
Pending applications also stand dismissed.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

MAY 05, 2016

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