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

+ **FAO(OS) 230/2015**

**UNION OF INDIA**

..... Appellant

Through: Mr Jasvinder Singh

versus

**M/S ASHOKA - DSC KATNI BYE-PASS ROAD**

**PROJECT PVT LTD**

..... Respondent

Through: Mr Jay Savla, Ms Amrita Mishra and Ms  
Ankita Jain

**CORAM:**

**HON'BLE MR. JUSTICE BADAR DURREZ AHMED**

**HON'BLE MR. JUSTICE SANJEEV SACHDEVA**

**ORDER**

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**28.04.2015**

**CM No. 7714/2015**

This is an application for condonation of delay. The delay in re-filing is condoned.

The application stands disposed of.

**CM No. 7713/2015**

The exemption is allowed subject to all just exceptions.

**FAO(OS) 230/2015 and CM No. 7712/2015**

This appeal is directed against the order dated 23.12.2014 passed by a learned Single Judge in OMP No. 1666/2014 limited to the aspect of non-issuance of notice, "for the moment", in respect of claim No. 3. The learned counsel for the appellant submits that notice should have been issued in respect of claim No. 3 also because non-issuance of notice in claim No. 3 would entail civil consequences.

We have heard the learned counsel for the appellant as well as the learned

counsel for the respondent and are of the view that the learned Single Judge ought to have either issued notice on claim No. 3 or ought to have rejected claim No. 3. The order passed by the learned Single Judge in respect of claim No. 3 puts both parties in a limbo. We, therefore, remit the matter to the learned Single Judge on the question of claim No. 3 and direct that the learned Single Judge ought to decide as to whether notice be issued in respect of claim No. 3 or not, definitively. For this purpose, we direct that the matter be placed before the learned Single Judge on 11.05.2015.

The appeal stands disposed of in the above terms.

*Dasti.*

**BADAR DURREZ AHMED, J**

**SANJEEV SACHDEVA, J**

**APRIL 28, 2015**  
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