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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) 228/2015 & CM No. 7708/2015**
M/S NATIONAL HIGHWAYS AUTHORITY OF INDIA... Appellant

Through: Mr. P.P. Khurana, Advocate
alongwith Mr. Saurabh Bindal,
Advocate.

versus

M/S IJM-GAYATRI (JV) Respondent
Through: Mr. Arun Kathpalia, Advocate
alongwith Mr. Angad Mehta and Mr.
Samaksh Goyal, Advocate.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER
% **23.11.2015**

1. Learned counsel submit that the issues involved in the present appeal are identical to FAO(OS) 9/2013 (arising out of OMP No. 842/2012 decided on 07.09.2012) and FAO(OS) 10/2013 (arising out of OMP No. 737/2012 decided on 17.08.2012).

2. The learned counsel for the respondent has already withdrawn before the Single Judge Claim No.8 for payment of balance price escalation amounting to Rs. 30,67,042/-. In view of that statement, the Single Judge by order dated 02.03.2015 had set aside the Award of Rs. 9,21,066 in respect of Claim No.8, but rejected the challenge to the remaining part of the award dated 05.09.2012.

3. Although appellants have deposited the disputed amounts in FAO(OS) 9/2013 & FAO(OS) 10/2013, no money has been deposited in the present appeal.

4. In view of our decision in FAO(OS) 9/2013 & FAO(OS) 10/2013, the present appeal is dismissed. Appellants shall pay the award amount, as modified by the learned Single Judge within 8 weeks.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

NOVEMBER 23, 2015

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