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

+ OMP 1069/2013

DELHI METRO RAIL CORPORATION LTD. Petitioner
Through: Mr. Tarun Johri, Advocate with
Mr. A.S. Rao, Law Officer

versus

M/S. SIEMENS LTD. Respondent
Through: Mr. C. Mukund, Ms. Firdouse Qutb
Wani, Mr. Vivek Anandh. S.M., Mr. Abhilash
Attri and Ms. Yaamini Sharma, Advocates

+ OMP 1185/2013 and IA No.19381/2013 (condonation of delay in
filing)

M/S. SIEMENS LTD. Respondent
Through: Mr. C. Mukund, Ms. Firdouse Qutb
Wani, Mr. Vivek Anandh. S.M., Mr. Abhilash
Attri and Ms. Yaamini Sharma, Advocates

versus

DELHI METRO RAIL CORPORATION LTD. Petitioner
Through: Mr. Tarun Johri, Advocate with
Mr. A.S. Rao, Law Officer

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **12.02.2015**

1. I have heard the learned counsels for the parties at length. After some arguments, Mr. Johri, the learned counsel for Delhi Metro Rail Corporation Ltd. (in short DMRC), on instructions, says that he does not wish to press the objections preferred by his client.

OMP 1069/2013 & 1185/2013

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1.1 He says that his client realizes that the respondent in OMP 1069/2013 i.e., Siemens Ltd. was entitled to the awarded amount either in the form of duty exemption or by way of refund.

1.2 Learned counsel's only concern is that, with the payment of the awarded amount, DMRC will be out of pocket; a deficiency it is not able to recover, in view of delay in processing the claim for refund of custom duty, paid by Siemens Ltd.

2. I may only note that in the award in issue, which is dated 27.06.2013, there is a reference in paragraph 5.11 that the claim for refund of customs duty, made by DMRC was rejected by Custom authorities; albeit for various reasons.

2.1 Mr Johri says that since DMRC is a public sector undertaking, his client would like to approach the Ministry of Finance, Govt. of India, for appropriate relief since projects are being executed by it, in public interest.

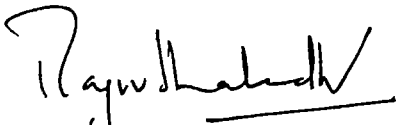
3. I see some merit in what Mr. Johri has stated before me. In my view, the Ministry of Finance, Govt. of India should examine the request of DMRC for refund of Custom duty bearing in mind the fact that it is a public sector undertaking, which has executed a number of projects, both in Delhi and in other States, in public weal. Therefore, if a representation is made by DMRC in that behalf, the Ministry of Finance, Government of India will give the request advanced therein, its deserved weight and consideration.

4. Accordingly, award dated 27.06.2013 is sustained.

5. In view of the above, Mr. Mukund, who appears for Siemens Ltd., on instructions, says that he does not wish to press the objections qua the aforementioned award.

6. Consequently, both the petitions and the pending application are dismissed.

7. At this stage, Mr. Johri says that the awarded amount will be paid to Siemens Ltd., within six weeks from today.


RAJIV SHAKDHER, J

FEBRUARY 12, 2015

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