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

+ **FAO(OS) 454/2015**

M/S NATIONAL HIGHWAYS AUTHORITY OF INDIA Appellant
Through : **Ms Meenakshi Sood with Mr Mukesh Kumar**

versus

**M/S IL & FS ENGINEERING AND CONSTRUCTION
COMPANY LIMITED** Respondent
Through : **Mr Pravin H. Parekh, Sr Advocate with
Mr Sameer Parekh, Ms Sanjana Ramachandran
and Mr Abhinay Sharma**

CORAM:
HON'BLE MR. JUSTICE BADAR DURREZ AHMED
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER
% **14.08.2015**
CAV 851/2015

The learned counsel for the respondent/ caveator is present.

The caveat stands discharged.

CM 15108/2015

Allowed subject to all just exceptions.

FAO(OS) 454/2015 & CM 15107/2015

This appeal has been filed against the order dated 19.05.2015 passed by a learned Single Judge of this Court in OMP 271/2015. The appellant had filed the said OMP 271/2015 challenging the Award dated 23.12.2014 under Section 34 of the Arbitration and Conciliation Act, 1996.

Before the learned Single Judge, the decision of the Arbitral Tribunal in respect of claim Nos. 1, 3 and 4 was agitated. Insofar as claim No. 1 is concerned, the learned Single Judge has, by virtue of the impugned order, issued notice and the same is pending before him. The appellant is not aggrieved by that part of the order. As regards claim

Nos. 3 and 4, the learned Single Judge has noted that the petitioner submitted that the issues stand settled in terms of the Supreme Court decision in **National Highways Authority of India v. ITD Cementation India Ltd.:** **Civil Appeal No.9799/2010 decided on 24.04.2015** as also the decision of a Division Bench of this Court in **National Highways Authority of India v. M/s Gammon- Atlanta (JV):** **FAO(OS) 366/2013 decided on 14.8.2013.** In view of both these decisions, claim Nos. 3 and 4 did not survive and were, consequently, rejected.

It is in these circumstances that the learned Single Judge had issued notice only in respect of claim No.1. We see no reason to interfere with the order passed by the learned Single Judge. The appeal is dismissed. There shall be no order as to costs.

BADAR DURREZ AHMED, J

AUGUST 14, 2015
SR

SANJEEV SACHDEVA, J