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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) No.450/1999, IA No.5123/2000 (of the defendant no.1 under Section 8 of the Arbitration Act) and IA No.9549/2009 (of the plaintiff under Section 151 CPC).

RAMPUR ENGINEERING COMPANY Plaintiff

Through Mr. Virender Goswami, Adv.

versus

HEAVY ENGINEERING CORPORATION LTD.

& ANR.

..... Defendants

Through: Mr. K.P. S. Kohli and Mr. Mahipal Singh, Adv. for D-1.

Mr. Anip Sachthey, Ms. Anjali Chauhan, Mr. Vinayak Shukla, Ms. Ria Sachthey and Ms. Kiran Dhawan, Adv. for D-2.

AND

+ CS(OS) No.2030/2001, IA No.1170/2002 (of defendant no.1 under Section 8 of Arbitration Act) and IA No.8970/2002 (of defendant no.2 under Order VII Rule 11 CPC).

NORTHERN COALFIELDS LTD. Plaintiff

Through: Mr. Anip Sachthey, Ms. Anjali Chauhan, Mr. Vinayak Shukla, Ms. Ria Sachthey and Ms. Kiran Dhawan, Adv.

versus

HEAVY ENGINEERING CORPORATION. LTD.

& ANR.

..... Defendants

Through: Mr. K.P. S. Kohli and Mr. Mahipal Singh, Adv. for D-1.

Mr. Virender Goswami, Adv. for D-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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19.12.2016

1. The counsels have mentioned the matter.

2. The counsel for the plaintiff in CS(OS) No.2030/2001 withdraws the suit in the light of the order dated 9th November, 2016 in IA No.1/2016 in Civil Appeal No.6296/2016 of the Supreme Court of India.
3. The counsel for the defendant no.2 Rampur Engineering Company Ltd. has no objection.
4. None appears for the defendant no.1 Heavy Engineering Corporation Ltd.
5. CS(OS) No.2030/2001 is dismissed as withdrawn with no order as to costs.
6. The counsel for the plaintiff in CS(OS) No.450/1999 states that applications have to be filed in the light of the order aforesaid of the Supreme Court.
7. After the order of the Supreme Court there was sufficient time and considering that the suit is of the year 1999, last opportunity is given failing which CS(OS) No.450/1999 shall be dismissed for non-prosecution.
8. List on 9th February, 2017.

RAJIV SAHAI ENDLAW, J

DECEMBER 19, 2016

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