

\$~43

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

+ O.M.P. (COMM) 184/2016

M/S GAYATRI LEHNGA CHUNRI Petitioner
Through Mr.Ankit Jain, Adv. along with
Mr.Rajneesh Jindal, partner of
petitioner in person.

versus

DELHI METRO RAIL CORPORATION LTD Respondent
Through Mr.B.L. Wahi, Adv. along with
Mr.Sanjay Kumar and Mr.Mandhata
Singh of respondent in person.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER

% **22.07.2016**

The petitioner has filed the present petition under Section 34 of Arbitration and Conciliation Act, 1996 challenging the Award dated 27th July, 2012. The main contention of the petitioner is that the security of Rs.13,93,800/- was deposited and is lying with the respondent. Admittedly, as per the statement of account, the period of default for licence fee was from 1st April, 2009 to 1st December, 2009 i.e. for eight months. In case, the entire amount is calculated as per contract, the amount comes to Rs.9,59,867/-.

Learned counsel for the petitioner states that as a matter of fact, the petitioner is entitled to receive the balance amount of Rs.4,33,933/- as against the security already deposited to the tune of Rs.13,93,800/-. He submits without prejudice that the petitioner would claim no right to the

aforesaid receivable amount. At the same time, the petitioner is also ready to cooperate with the respondent to quash the FIR by filing an application under Section 482 Cr.P.C. with regard to the FIR lodged by the petitioner. Learned counsel for the respondent is agreeable to the statement of the petitioner. In view of the above, the Award dated 27th July, 2012 is treated as disposed of in view of the statement and the agreement as mentioned above by the parties. Similarly, the respondent will not claim any amount with regard to the agreement in question. The undertaking given by the petitioner to give cooperation for quashing the FIR is accepted.

The petition is disposed of.

MANMOHAN SINGH, J.

JULY 22, 2016/vp