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

+ O.M.P.(I) 270/2015

BECON BUILDMART PVT.LTD.

..... Petitioner

Through Mr.Ateev Mathur, Adv. with
Ms.Richa Oberoi, Mr.Amol Sharma
& Mr.A.P.S.Sehgal, Advs.

versus

NEO DEVELOPERS PVT. LTD. & ORS

..... Respondents

Through Mr.Jitender Chaudhary, Adv. for R-1.
Ms.Hrishika Pandit, Adv. for R-2 & 3

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER

% **09.03.2016**

This petition was already disposed of by order dated 7th December, 2015. On that date, the following order was passed:-

"1. Learned counsel for the petitioner seeks permission to withdraw this petition and the pending applications.

2. Learned counsel for the respondent No.1 submits that the petitioner raised a false claim before this Court to obtain an interim order which has caused immense loss and damage to the respondent No.1. It is further submitted that respondent No.1 be given liberty to file an affidavit to place on record the loss/damage suffered by the respondent No.1 due to the present petition and the interim order passed by this Court. Respondent No.1 is given liberty to file an affidavit within two weeks. Response thereto be filed within a period of two weeks thereafter.

3. This petition as well as the pending applications are dismissed as withdrawn. However, the matter shall remain pending to consider the submissions of respondent No.1 with respect to the imposition of costs.

4. Interim order dated 28th May, 2015 is hereby vacated.

5. List on 19th January, 2016.”

In compliance with the said order, the respondent No.1 has filed the affidavit. The same is placed on the record. The matter has been discussed for some time. Learned counsel for the respondent No.1 is agreeable to initiate the appropriate proceedings in order to claim the loss/damages suffered by the said respondent. Let him do so in accordance with law. As and when any such action is taken or the Arbitrator is appointed in this regard, it is open to the respondent No.1 to rely upon the order passed on 7th December, 2015 and the Arbitrator shall decide the same in accordance with law.

As regards half of the fee of the Local Commissioner paid by respondent No.1, is concerned, the respondent No.1 is also at liberty to initiate an action to recover the same.

No further orders are required to be passed.

MANMOHAN SINGH, J.

MARCH 09, 2016/ka