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

+ **FAO(OS) (COMM) 126/2016**

PATEL - KNR (JV)

..... Appellant

Represented by: Dr.Amit George, Mr.Swaroop
George and Ms. Rajsree Ajay,
Advocates.

versus

NATIONAL HIGHWAYS AUTHORITY OF INDIA..... Respondent

Represented by: Ms.Bhavna, Adv.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **21.11.2016**

CM No.43234/2016

Exemption is allowed subject to all just exceptions.

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1. Challenge to the award by NHAI has failed except qua claim No.6.

2. As regards, claim No.6, learned counsel for the appellant does not dispute the position that the issue is clearly covered by the decision of this Court dated November 22, 2012 in FAO (OS) No.416/2012 NHAI Vs. Sunway Constructions Ltd. against the appellant.

3. Notwithstanding the issue currently awaiting the decision

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before the Supreme Court concerning the decision dated November 22, 2012, as regards this Court is concerned, the matter has attained finality.

4. We are bound by the decision of the Division Bench in FAO (OS) No.416/2012 and thus, we dismiss the appeal.

5. No costs.

PRADEEP NANDRAJOG, J

YOGESH KHANNA, J

NOVEMBER 21, 2016

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