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

+ W.P.(C) 10413/2016

M/S. RAKESH BROTHERS

..... Petitioner

Through: Mr. Ravi Sikri, Sr. Adv. Ms. Shweta
Bharti, Mr. Shantanu Malik, Mr. J.K.
Chaudhary, Ms. A. Ghosh and Mr.
Deepak, Advocates

versus

HSCC (INDIA) LIMITED & ANR.

..... Respondents

Through: Mr. Saurabh Mishra and Mr. Vivek
Tyagi, Advocates for R-1 & 2

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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15.11.2016

The petitioner has filed the present petition, inter-alia, impugning the letter of termination dated 20.10.2016 (allegedly received on 24.10.2016).

It is noticed that there is a contract between the parties and Clause 25 of the General Conditions of the Contract provides for settlement of disputes and arbitration.

Learned senior counsel for the petitioner, under instructions, prays for leave to withdraw the petition with liberty to seek settlement of the disputes through the process of arbitration in terms of the General Conditions of Contract and to approach the respondent under Clause (i) of Clause 25.

Perusal of Clause (i) of Clause 25 shows that a request has to be

made within a period of 15 days of the action complained of, which in the present case would be the impugned letter dated 20.10.2016.

The petitioner had filed the present petition on 02.11.2016 i.e. within a period of 15 days of the impugned letter dated 20.10.2016.

The writ petition is dismissed as withdrawn with liberty to take such remedies as may be available in law, in terms of Clause 25 of the General Conditions of the Contract. The period between 02.11.2016 (the date of filing of the Writ Petition) and today (i.e. 15.11.2016) shall be excluded for the purposes of computing the limitation in terms of Clause 25.

It is further clarified that this court has not examined the contention of either parties on merits and the appropriate authority/forum which is approached by the petitioner shall be at liberty to consider the application of the petitioner without being influenced by anything stated in this order. It is also clarified that this court has not examined the maintainability or otherwise of a petition under Article 226 of the Constitution of India in the facts of the present case.

Copy of the order be given *dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

NOVEMBER 15, 2016

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