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

+ **FAO(OS) (COMM) 110/2016 & CM No.41724/2016**

RAIL VIKAS NIGAM LIMITED (RVNL)

..... Appellant

Represented by: Mr. Aman Sinha, Sr. Advocate
instructed by Mr. Jatinder
Kumar Singh, Mr. Pravesh
Thakur, Advocates with Mr. S
K Dhiman, ED/RVNL in
person.

versus

M/S SOWIL LIMITED

..... Respondent

Represented by: Ms.Manmeet Arora &
Ms.Chand Chopra, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **16.11.2016**

1. Taking forward towards the destination with reference to the order passed by this Court on November 09, 2016, we dispose of the appeal and the above noted Civil Miscellaneous Application passing a consent order on the terms as under:-

(i) With reference to the show cause notice dated August 28, 2015, Director Projects of the appellant shall, after according a personal hearing to the representative of the respondent, pass a reasoned speaking order and convey the same to the respondent by e-mail and registered AD post.

- (ii) Since reply to the show cause notice has already been submitted by the respondent before the Competent Authority (Director – Projects) of the appellant, he shall consider the same while passing the speaking order and because the policy of the appellant permits personal hearing, would accord a hearing to the representative of the appellant requiring date and time of hearing and the place to be conveyed to the respondent by counsel for appellant to counsel for the respondent.
- (iii) The notice of the date of hearing would be delivered at least three days prior to the date of the hearing.
- (iv) The time and the place where hearing shall take place, shall be indicated in the notice intimating the date of hearing.
- (v) Final bill submitted by the respondent with a No Claim Certificate shall be processed by the account department and other departments of the appellant and final decision taken concerning the said bill would be conveyed to the respondent within three weeks from today. Needless to state with reference to the interim bills cleared for payment, reconciliation of the interim payments made would be done. If any payment is certified to be made, within a week thereafter such payments would be released to the respondent.
- (vi) Decision taken by the Competent Authority pursuant to the show cause notice dated August 28, 2015 shall not be enforced for a period of one week; to enable the respondent to avail such remedies as are available as per law.
- (vii) Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 by the respondent, which is fixed for consideration before learned Single Judge on December 06, 2016, shall be got jointly deferred by the

parties till aforesaid consent directions result in an order being passed and communicated to the respondent.

2. Aforesaid consent order has been passed in presence of Mr S K Dhiman, ED/RVNL who in Court has instructed the learned senior counsel for the appellant to so agree.

3. No order as to costs.

4. *Dasti* under the signature of the Court Master to learned counsel for parties today itself.

PRADEEP NANDRAJOG, J

YOGESH KHANNA, J

NOVEMBER 16, 2016

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