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

+ **FAO(OS) 383/2015**

M/S NATIONAL HIGHWAYS

AUTHORITY OF INDIA

..... Appellant

Represented by: **Mr.Rajiv Kapoor, Mr.Kumar
Ravishankar, Advs.**

versus

HINDUSTAN CONSTRUCTION CO LTD

..... Respondent

Represented by: **Mr.Dayan Krishnan, Sr.Adv.
instructed by Mr.Rishi
Agrawala, Ms.Malavika Lal,
Advs.**

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

23.03.2016

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CM 11165/2015

Exemption allowed subject to just exceptions.

CM 10923/2016 (clarification on b/o respondent)

1. Notice. Counsel as above accepts notice for the appellant and states that reply need not be filed.
2. No clarification of the order dated February 17, 2016 is warranted. However, a consequential order needs to be passed.
3. The appeal was disposed of on February 17, 2016 restoring OMP No.260/2015 for adjudication on merits.
4. In the appeal, disposing of CM 23967/2015, it was directed that the appellant shall deposit 50% of the sum awarded with the Registrar General

of this Court within two weeks and for the balance sum shall furnish a bank guarantee in the name of the Registrar General of this Court within same period of two weeks. 50% sum awarded to be deposited by the appellant was to be released to the respondent on furnishing a bank guarantee in favour of the Registrar General of this Court.

5. Appellant complied with the order and the respondent took benefit of the same, meaning thereby two bank guarantees came to be filed.

6. Since the appeal has been disposed of, bank guarantee furnished by the appellant is discharged.

7. As regards the respondent we direct that till the objections filed by the appellant to the award are decided the benefit received by the respondent of 50% sum awarded being received may be retained by the respondent upon keeping bank guarantee alive till OMP No.260/2015 filed by the appellant is decided.

8. Copy of this order be placed in the file of OMP No.260/2015 and it be treated that the bank guarantee would be relatable to OMP No.260/2015. While deciding OMP No.260/2015 the learned Single Judge would be empowered to pass further orders concerning the bank guarantee.

9. Application is disposed of.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

MARCH 23, 2016
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