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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P.(I) (COMM.) 74/2015

**BARASAT KRISHNAGAR EXPRESSWAYS
LIMITED**

..... Petitioner

Through: Mr. Amitabh Chaturvedi, Mr. Jeevesh
Nagrath and Mr. Sumit Kumar Shukla, Advocates.

versus

**NATIONAL HIGHWAYS AUTHORITY OF INDIA
& ORS.**

..... Respondents

Through: Ms. Gunjan Sinha Saini, Advocate.

CORAM: JUSTICE S. MURALIDHAR

ORDER

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05.10.2016

O.M.P.(I) (COMM.) 74/2015 & IA Nos. 9795/2016 & 10069/2016

1. It appears that the Arbitral Tribunal ('AT') is seized of the arbitration proceedings. The Petitioner has filed an application before the AT seeking an interim award. There is an application filed by the Respondents in this petition seeking permission to encash the bank guarantee.

2. The bank guarantee in question has been kept alive pursuant to the order passed by this Court on 23rd December, 2015.

3. It is accordingly ordered that the interim order passed by this Court on 23rd December, 2015 will continue till such time the AT modifies or varies the order in accordance with law. A complete set of the present petition and

applications will be filed before the AT as such and be treated as applications under Section 17 of the Arbitration and Conciliation Act, 1996. The AT will proceed to dispose of the said applications in accordance with law.

4. The petition and the pending applications are disposed of in the above terms.

S. MURALIDHAR, J

OCTOBER 05, 2016
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