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

+ **W.P.(C) 803/2017 & CM 3722/2017**

M/S NICHOLAS O' DWYER AND CO LTD Petitioner

Through Mr Joy Basu, Senior Advocate with
Mr Alok Agarwal, Mr Sudhir Mishra,
Ms Ritwika Nanda and Mr Abhinav, Advocates.

versus

NATIONAL HIGHWAYS AUTHORITY
OF INDIA

..... Respondent

Through Ms Gunjan Sinha Jain, Advocate with
Ms Bhavana Duhoon, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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22.08.2017

CM No. 3723/2017

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 803/2017

3. Mr Basu, learned Senior Counsel appearing for the petitioner states, on instructions, that the petitioner would like to withdraw the present petition with liberty to take appropriate appellate remedies as provided under the Policy of National Highway Authority of India for 'Deterrent Penalty Action Against Defaulting Consultants' - Policy Circular dated 17.04.2012.
4. In terms of the said circular, an appellate remedy against an adverse

order is available only if the same is preferred within a period of 30 days of the receipt of the final decision; however, this Court is of the view that in the peculiar facts of this case, the delay is required to be overlooked.

5. Accordingly, the petition is dismissed as withdrawn with liberty to the petitioner to avail of the remedies in terms of paragraph six of the said policy dated 17.04.2012. If such appeal is preferred within a period of two weeks from today, the Appellate Authority shall decide the appeal uninfluenced by the question of delay and by the final view already taken by the erstwhile Chairman of NHAI.

6. The petition along with the pending application is disposed of. No order as to costs.

VIBHU BAKHRU, J

AUGUST 22, 2017

pkv