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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 1656/2017 & CM No.7436/2017 (stay)
SHAPOORJI PALLONJI AND COMPANY PRIVATE LIMITED

..... Petitioner

Through Dr. Amit George with Mr. Alex
Joseph and Mr. Nebil Nizar,
Advocates.

versus

OIL AND NATURAL GAS CORPORATION LTD. Respondent
Through Mr. Tushar Mehta, ASG with Mr.
Sunil K. Jain and Mr. Punya Garg,
Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **01.03.2017**

The petitioner seeks quashing of letter dated 28.01.2017 (signed on 02.02.2017), whereby, the petitioner has been informed that consequent to termination of the contract, in terms of the condition stipulated in Clause 3A of the General Conditions of Contract, pending completion of the enquiry process, the petitioner has been put on a holiday and the respondent shall neither issue any tender enquiry nor consider any offer in any ongoing tender.

Learned ASG appearing for the respondent submits that the consequences contemplated in Clause 3A(ii) are automatic in nature. The moment the termination took place, the consequences agreed to between the parties i.e. that the contractor is put on holiday, came into

effect. Learned ASG submits that since it is a term of the contract which the petitioner had agreed to, it is a contractual matter and the remedy of the petitioner, if at all, would be to approach the Arbitral Tribunal for seeking redressal against the automatic triggering of the said clause.

Learned counsel for the petitioner prays for leave to withdraw the petition with liberty to approach the Arbitral Tribunal impugning the alleged triggering of the consequences contemplated by Clause 3A(ii) of the General Conditions of Contract.

In view of the above, the writ petition is dismissed as withdrawn reserving liberty of the petitioner as prayed for.

It is clarified that this Court has neither considered nor expressed any opinion on the merits of the contentions of either of the parties.

Dasti under the signatures of the Court Master.

SANJEEV SACHDEVA, J

MARCH 01, 2017
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