

\$~R-252

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

+ **OMP 430/2009**

M/S. KNR-PATEL (JV) Petitioner
Through: Dr. Amit George, Mr. Swaroop
George and Ms. Omana George,
Advocate

versus

NATIONAL HIGHWAYS AUTHORITY OF
INDIARespondent
Through: None

CORAM: JUSTICE S. MURALIDHAR

% **ORDER**
18.01.2017

1. The challenge in this petition by M/s. KNR (a Joint Venture undertaking) is to an Award passed by the Arbitral Tribunal ('AT') in the disputes between the parties which arose out of an contract dated 20th April, 2001 for 'construction and upgradation of the existing two lane road to 4/6 lane divided carriage way configuration of Nellore to Kavali Km 178 to Km 222 of NH-5 in Andra Pradesh, Package AP-11' awarded by the National Highways Authority of India (NHAI) in favour of the Petitioner.

2. There were 13 claims preferred by the Petitioner before the AT. By the impugned Award, the AT allowed Claim No. 2 (new rate for longitudinal surface drain excavation), Claim No. 7 (for maintenance of Median Plantation) and Claim No. 12 for interest and rejected all the other claims. The Petitioner in this petition has challenged the rejection of its Claim Nos.

1, 3, 9 and 10.

3. Claim No. 1 is for new rate for additional quantity of earth mark; Claim No. 3 is for loss of account of deletion of BOQ item 1.14 truck parking and wayside amenities; Claim No. 7 is for maintenance of median plantation; while Claim No. 10 is for compensation for additional cost incurred due to abnormal increase of steel price and insufficient provisions of steel component in sub-clause 70.3.

4. After making arguments for some time, the learned counsel appearing for the Petitioner states that he does not wish to press the above challenge to the Award.

5. In that view of the matter, the petition is dismissed.

S.MURALIDHAR, J

JANUARY 18, 2017

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