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

+ O.M.P.(I) (COMM.) 310/2016

VIL ROHTAK JIND HIGHWAY PRIVATE LIMITED..... Petitioner
Through Mr.T.K.Ganju, Sr.Adv. with
Mr.Manish Dembla, Mr.Nachiketa Goyal,
Mr.Manik Ahluwalia and Mr.Abhishek Bhardwaj,
Advs.

versus

NATIONAL HIGHWAYS AUTHORITY OF INDIA
& ANR. Respondents
Through Mr.Narender Hooda, Sr.Adv. with
Ms.Gunjan Sinha Jain and Ms.Nida, Advs.for R-1
Mr.O.P.Gaggar, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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12.05.2017

As per order dated 23.2.2017 the Engineer Tech Mech International Private Limited has visited the site and in compliance of the Order filed its Report.

It is agreed between the parties that the present petition filed under section 9 of the Arbitration and Conciliation Act, 1996 be treated as an application under section 17 of the Arbitration and Conciliation Act to be adjudicated upon by the learned Arbitral Tribunal. The interim order passed by this court on 25.7.2016 shall continue to operate unless the same is modified/clarified/vacated by the learned Arbitral Tribunal on the application under section 17 of the Act. Liberty is granted to the respondents

to move an appropriate application for early disposal of the said application under Section 17 of the Act before the Arbitral Tribunal.

Accordingly, the parties to file copies of the pleadings under section 17 before the learned Arbitral Tribunal. The Report of the Engineer may be taken dasti by the learned counsel for the respondents from the Registry to be filed before the learned Arbitral Tribunal.

Learned senior counsel appearing for the respondent also submits that for the time being the respondents have no intention to encash the Performance Bank Guarantee issued by State Bank of India. However, if such a decision is taken, at least 5 days' advance notice would be given to the petitioner in this regard.

The petition stands disposed of. All pending applications, if any, also stand disposed of.

JAYANT NATH, J

MAY 12, 2017

