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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) (COMM) 80/2016 & CM 33762/2016**
NATIONAL HIGHWAY AUTHORITY OF INDIA..... Appellant
Through : Mr. S. Nandakumar with
Ms. Tanupriya Gupta and
Mr. Parvesh Singh, Advocates

versus

M/S BSCPL INFRASTRUCTURE LTD Respondent
Through : Mr. Ajay Kumar Jha, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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18.05.2017

1. The appellant/NHAI is aggrieved by a common order dated 17.6.2016 passed by the learned Single Judge in OMP No.54/2015 and OMP No. 1003/2013 whereunder, the objections filed by NHAI as a petitioner in both the petitions have been dismissed with an observation that there is no infirmity in the Award dated 28.8.2014, subsequently modified vide Award dated 29.8.2014 (subject matter of OMP No. 54/2015).
2. Learned counsel for the respondent states that aggrieved by the aforesaid common order dated 17.6.2016, the appellant/NHAI had filed two intra-court appeals, registered as FAO(OS)No.16/2017 (arising from OMP No.1003/2013) and the present appeal (arising from OMP No.54/2015). Vide judgment dated 18.1.2017, FAO(OS) No.16/2017 filed by the appellant/NHAI came to be dismissed by a Division Bench of this court and the impugned order dated 17.6.2016 passed by the learned Single Judge has been upheld.
3. Aggrieved by the aforesaid order, the appellant/NHAI has filed an

appeal before the Supreme Court registered as SLP No.14568/2017. On 9.5.2017, directions have been issued by the Supreme Court to tag the said appeal for hearing along with an earlier appeal filed by NHAI, i.e., SLP No.2331/2017, entitled 'National Highway Authority of India vs. M/s Progressive – MVR (JV)'. The aforesaid order dated 9.5.2017 passed by the Supreme Court is taken on record.

4. Learned counsel for the respondent rightly submits that the judgment dated 18.1.2017 pronounced by a co-ordinate Bench in the connected appeal [FAO(OS)No.16/2017] is binding on this Court as the impugned order is common to both the appeals.

5. We have enquired from learned counsel for the appellant as to whether the judgment of the Division Bench dated 18.1.2017 in FAO (OS) 16/2017 has been stayed by the Supreme Court. He states that only the recovery of the balance amount has been stayed, subject to the appellant depositing the said amount in the court.

6. In view of the above submissions, the present appeal is disposed of, along with the pending application, on the same lines as per the decision rendered on 18.1.2017, in FAO(OS)No.16/2017.

HIMA KOHLI, J

SANGITA DHINGRA SEHGAL, J

MAY 18, 2017

sk/ap