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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) (COMM) 118/2017**
INDURE PRIVATE LIMITED Appellant
Through Mr. Prashant Mehta, Mr. Gaurav Malik &
Mr. Himanshu Kapoor, Advocates.
versus
HEIDELBERG CEMENT LIMITED AND ANR. Respondents
Through Mr. K. Datta, Mr. Ajay Goyal & Mr.
Shantanu Parashar, Advocates for respondent No.
1.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MS. JUSTICE PRATHIBA M. SINGH

ORDER
25.05.2017

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This appeal was heard yesterday for some time at 4.30 P.M. Thereafter, at the request of the counsel for the appellant, the appeal was posted for hearing for today.

Learned counsel for the appellant submits that the bank guarantee was encashed and payment was made yesterday itself. In these circumstances, the present appeal is rendered infructuous.

The appeal is disposed of as infructuous.

We would, however, clarify that the observations made in the impugned order passed by the single Judge is *prima facie* and would not be treated as final and binding findings in arbitration proceedings, which are stated to be pending.

SANJIV KHANNA, J.

PRATHIBA M. SINGH, J.

MAY 25, 2017
VKR