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

+ O.M.P. 167/2015

NATIONAL HIGHWAYS AUTHORITY OF INDIA Petitioner

Through: Ms.Kritika Shukla and Ms.Soumya
Priyadarshinee, Advs.

versus

M/S SIMPLEX INFRASTRUCTURES LTD Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **22.11.2018**

This petition has been filed under Section 34 of the Arbitration and Conciliation Act, 1996 by the petitioner challenging the Award dated 19.09.2014 read with the order dated 27.11.2014 passed by the Arbitral Tribunal adjudicating the disputes that have arisen between the parties in relation to the Contract for the work of 4 Laning from Km 319.800 to Km 360.915 Gorakhpur to Gopalganj Section of NH-28, Uttar Pradesh, India, Civil Contract Package No.LMNHP-EW-II (WB) Package-8.

Counsel for the petitioner submits that the Arbitral Tribunal has erred in granting the claim of the petitioner for seeking reimbursement of the royalty of soil, sand and aggregates. She submits that the said claim was not maintainable under sub clause 70.8 of the Condition of Particular Application (COPA).

Counsel for the petitioner, however, has fairly conceded that the said issue would be covered by the judgment of the Supreme Court in *National*

Highways Authority of India v. ITD Cementation India Ltd., (2015) 14 SCC 21.

In view of the above, I find no merit in the present petition. The same is dismissed, with no order as to cost.

NAVIN CHAWLA, J

NOVEMBER 22, 2018/Arya