

\$~SB-1

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

+ OMP(I)(COMM) 169/2018

SOWIL LIMITED

..... Petitioner

Through Ms.Manmeet Arora, Ms.Sampika
Biswal and Ms.Pavitra Kaur, Advs.

versus

INDIAN HIGHWAYS MANAGEMENT COMPANY LTD.

..... Respondent

Through Ms.Maninder Acharya, ASG
alongwith Ms.Shreya Sethi,
Mr.Viplav Acharya, Mr.Shikhar
Kishore, Mr.Krishanesh Bapat and
Ms.Shefali Jaiswal, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

%

13.03.2020

I.A. No.2950/2020

This application has been filed by the respondent seeking clarification/modification of the order dated 30.10.2018 passed by this Court. The order dated 30.10.2018 of this Court records as under:

“5. During the pendency of the present petitions, the parties had met to discuss the possibility of an amicable settlement. In the said meeting the respondent had offered the petitioner to conduct the balance traffic survey as per the rates quoted by L-1 Agency in the fresh tender. Though at that stage the petitioner had refused to accept the said proposal, counsel for the petitioner submits that the petitioner is agreeable to the said proposal and to conduct the balance traffic survey as per the rates quoted by L-1 Agency in the new tender, subject,

however, to the claim of the petitioner being adjudicated by the Arbitral Tribunal appointed by this Court. To make it clear, counsel for the petitioner submits that during the pendency of the arbitration proceedings the petitioner shall continue to work under the contract as per L-1 rates quoted in the new tender and raise a claim for the difference between L-1 rates and the contractual amount before the Arbitrator.

6. Counsel for the respondent has also taken instructions on this proposal and is agreeable to the same.

7. In view of the above, Interim Orders dated 19.04.2018 and 24.04.2018 are modified and it is directed that the petitioner shall continue to work on the sites that were already allocated to it in terms of the contract between the parties, however, shall be paid in accordance with L-1 rates that have been received by the respondent in the new tender process. The petitioner shall be entitled to raise the claim of the differential amount and such other claims that it may have before the Arbitrator. For the remaining sites the respondent shall be free to allot those sites to any third party.”

A reading of the above order would clearly show that the same was passed based on certain meetings that had taken place between the parties and offers having been exchanged.

In my view, the order requires no further clarification/modification. The application is disposed of.

NAVIN CHAWLA, J

MARCH 13, 2020/Arya