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

+ **FAO(OS) (COMM) 158/2018 & CM Nos.30121-22/2018**

**M/S ORIENTAL STRUCTURAL ENGINEERS PVT LTD & KMC
CONSTRUCTIONS JV** Appellant

Through: Mr. Anil Airi, Senior Advocate with
Mr. Ravi K.Chandna, Ms. Priyanka
Nayyar & Ms. Bindaya L., Advocates

versus

M/S NATIONAL HIGHWAYS AUTHORITY OF INDIA

..... Respondent

Through: Ms. Gunjan S. Jain, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **31.07.2018**

This intra court appeal under Section 37 of the Arbitration & Conciliation Act, 1996 (A&C Act) read with Section 13 of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 impugns the order dated 16.3.2018 passed in OMP(Comm.) 280/2016.

The impugned order dismisses the objections filed by the appellant under Section 34 of the A&C Act, in view of the judgment of the Division Bench of this Court in ***National Highway Authority of India v. Hindustan Construction Company, 196(2013) DLT 498***. This decision interprets clause 305.2.2.3.4 of the additional specifications and item No. 2.02 (b) of the bill of quantities for work.

The majority award, inspite of some reservations, being bound by the decision of the Division Bench in the case *of National Highway Authority of India v. Hindustan Construction Company*(supra), had followed the same.

Accordingly, we do not find any merit in the present appeal and the same is dismissed, without any order as to costs. All the pending applications are disposed of.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

JULY 31, 2018

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