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

+ **OMP (ENF.) (COMM.) 81/2016**

PROGRESSIVE - MVR (JV)

..... Decree Holder

Through: None.

versus

**NATIONAL HIGHWAYS AUTHORITY OF
INDIA**

..... Judgment Debtor

Through: Ms. Tanu Priya Gupta with Mr. M.S.
Saran Kumar and Ms. Deepika Nanda
Kumar, Advs

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **11.01.2019**

I.A. No. 362/2019 (for refund of amount O/B respondent)

1. This is an application filed by National Highways Authority of India (“NHAI”).
2. The applicant/NHAI seeks refund of the amount which was received by the non-applicant i.e. Progressive-MVR (JV) pursuant to orders of this Court.
3. The applicant’s plea in the present application for refund is based on the fact that Supreme Court reversed the judgment of the Division Bench vide its judgment dated 23.02.2018, passed in Civil Appeal 458/2018.
4. As a matter of fact, this Court on 30.07.2018 had directed the non-
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applicant to refund the entire amount within eight weeks with interest at the rate of 12%.

5. The applicant/NHAI in fact contends that in another arbitration proceeding, in which, the non-applicant has succeeded, amount awarded in that, which is not sought to be challenged, can be adjusted in respect of the moneys payable by the non-applicant pursuant to the award passed in the instant proceedings.

6. Issue notice to the non-applicant as well as to the counsel for the non-applicant.

7. In addition, service be effected via private mode as well.

8. Renotify the matter on 08.02.2019.

RAJIV SHAKDHER, J

JANUARY 11, 2019

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