

\$~64

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

+ **FAO(OS) (COMM) 193/2018**
DELHI TRANSPORT INFRASTRUCTURE , DEVELOPMENT
CORPORATION LTD (DTIDC) & ANR Appellants

Through Mr. Amiet Andlay with Mr. Arun K.
Sharma, Advocates.

versus

M/S WELL PROTECT MANPOWER Respondent
Through Mr. Tarkeshwar Nath, Advocate.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **28.08.2018**

CM APPL 34697/2018 (exemption)

Exemption is allowed, subject to all just exception.

The application stands disposed of.

FAO(OS) (COMM) 193/2018 & CM APPL 34696/2018 (stay)

Challenge in this appeal is to the order dated 23.05.2018 by which objections to the award have been dismissed.

Mr. Amiet Andlay, counsel for the appellant, submits that once the respondent has received the full and final payment and completion certificate was issued, he could not have raised the disputes.

Upon reading of order dated 23.05.2018, we find that only two grounds were urged; firstly, that the respondent did not produce any evidence to show that revised minimum wages were paid to the labour and secondly, the refund of the security deposit.

Mr. Andlay submits that in fact this ground was also urged before the learned Single Judge but the same has not been noticed in the impugned order

dated 23.05.2018 and thus, if so advised, he would file a review petition.

Accordingly, the present appeal alongwith CM APPL 34696/2018 is disposed of with liberty, as prayed, to file a review petition.

We make it clear that we have not expressed any opinion on the merits of the matter. Withdrawal of the appeal would not amount to giving up the challenge to the order dated 23.05.2018. In case, the review petition is dismissed, the appellant would be at liberty to challenge the same alongwith order dated 23.05.2018.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

AUGUST 28, 2018

ck /