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

+ O.M.P. (I) (COMM.) 390/2018

ATC TELECOM INFRASTRUCTURE ..... Petitioner

Through: Mr. Angad Singh Dugal and Ms. Niyati  
Asthana, Advs. for Mr. Abhishek Malhotra,  
Adv.

versus

DELHI METRO RAIL CORPORATION LTD. .... Respondent

Through: Mr. Manish Srivastava and Mr. Aditya  
Gupta, Advs. alongwith Mr. Sanjay Kumar,  
Sr. Section Officer and Ms. Somya Suman,  
Assistant Legal Manager in person

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SHAKDHER**

**ORDER**

% **19.11.2018**

1. In view of the fact that the petitioner has made provisions for three mobile operators, counsel for the parties say that the instant petition has been rendered infructuous. Counsel for the petitioner, thus, seeks leave to withdraw the captioned petition.

1.1 The petition is, consequently, dismissed as withdrawn.

2. At this stage, learned counsel for the petitioner says that the petitioner would like to challenge the condition contained in the contract which requires making provision for three mobile operators.

3 Liberty in that behalf is granted, *albeit*, in accordance with law.

4 It is made clear that the respondent will have the right to defend any such action that may be instituted by the petitioner.

**RAJIV SHAKDHER, J**

**NOVEMBER 19, 2018**

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