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

+ **FAO(OS) (COMM) 240/2018 & CM APPLs.43542-43/2018**

NHPC LTD

..... Appellant

Through: Mr. Sachin Datta, Sr. Adv. with
Mr.Narender Pal Singh, Ms. Harshita
Aggarwal and Ms. Prity Sharma,
Advs.

versus

HINDUSTAN CONSTRUCTION CO LTD

..... Respondent

Through: Mr. Rajshekhar Rao, Mr. Rishi
Agrawala, Mr. Raghav Pandey and
Mr. Karthik Sundar, Advs.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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16.10.2018

Learned counsel for the respondent present on advance notice on instructions states that the matter may be remanded to the learned Single Judge for adjudication and decision of I.A. No.13343/2018 on merits.

Learned counsel for the respondent submits that the aforesaid statement has been made to expedite the proceedings and this should not be construed as an admission on either facts or law.

Taking the statement on record, we set aside the impugned order dated 28.9.2018 and restore the I.A. No.13343/2018 to the file of the learned Single Judge for adjudication and decision on merits. We clarify that we have not expressed any opinion on merits or on the question whether or not

stay should be granted.

We are told that the OMP (Enf) (Comm.) No.101/2018 is coming up for hearing before the learned Single Judge on 31.10.2018. The application would also be listed for hearing on the same date. The appeal is disposed of.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

OCTOBER 16, 2018/rk