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

+ **OMP (ENF.) (COMM.) 117/2017**

M/S GAMMON ATLANTA JV

..... Decree Holder

Through: Mr.Chirag M. Shroff & Mr.Joyshree
Banrman, Advs.

versus

NATIONAL HIGHWAYS AUTHORITY OF INDIA

..... Judgment Debtor

Through: Mr.S.B. Upadhyay, Sr. Adv. with
Mr.Ramesh Kumar, Mr.Nishant
Kumar, Mr.Siddharth Pandey,
Mr.Gaurav Mishra & Mr.Vanshika
Gupta, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **09.10.2018**

IA's 13470/2017, 14147-48/2017, 2297/2018, 3293/2018, 4990/2018

Learned counsels for the parties submit that all these applications have become infructuous and may be disposed of as such.

The applications stand disposed of.

OMP (ENF.) (COMM.) 117/2017

The only dispute between the parties is whether the petitioner is entitled to the reimbursement of the excise duty from IPC95 to IPC130. The learned senior counsel for the respondent submits that the petitioner would not be entitled to the said excise duty as the IPC have not been certified by the Project Engineer.

In my view the same would, in any case, not be the subject matter of this Enforcement Petition.

Learned counsel for the petitioner submits that as there are other disputes pending adjudication before the Arbitral Tribunal in relation to

IPC95 to IPC130, he shall move an appropriate application seeking amendment of its statement of claims to raise this claim also before the Arbitral Tribunal.

The said application shall be considered by the Arbitral Tribunal on its own merits.

As the claim of the petitioner as far as the Arbitral Award and the order dated 15.11.2016 passed by this Court in OMP 107/2008 are concerned have been satisfied, the present petition is disposed of, giving liberty to the petitioner as prayed for.

The attachment order shall stand vacated.

NAVIN CHAWLA, J

OCTOBER 09, 2018/rv