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

+ **O.M.P. (COMM) 6/2018 & IA No. 297/2018**

UNION OF INDIA

..... Petitioner

Through: Mr Ripu Daman Bhardwaj, CGSC
with Mr T.P. Singh, Advocates.

versus

M/S ANS CONSTRUCTION LTD.

..... Respondent

Through: Mr Sandeep Agarwal, Senior
Advocate with Mr Sushil Aggarwal
and Mr Kapil Kumar, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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09.03.2018

1. The learned counsel appearing for the respondent has handed over a letter dated 05.12.2017 sent by the Executive Engineer of the petitioner. The said letter reads as under:-

“To,

M/s ANS Construction Ltd.
E-2/B1, Extn. Mohan,
Co-op. Indl. Estate,
New Delhi-110044

Sub: Award dated 26.07.2017 made by Shri V.K. Malik, Arbitrator in regard to the disputes arising out of agreement No. 21/EE/LCD-II/2010-11 and referred to arbitration in arbitration case no. ARB/VKM/229.

Dear Sirs,

With reference to the award mentioned above, I am to say that the President of India has decided to accept the award for

total amount of Rs. 64,26,089/- ((Rs.24,53,937/- (against Claim No. -8:) + Rs. 11,45,980/- (rectified as per mutual consent) (against Claim No. - 9:) + Rs.2,12,426/- (part) (against Claim No. -17:) + Rs. 9,15,389/- (against Claim No. - 18:))) i/c Interest @11% from 21.04.2014 to 26.07.2017 of Rs. 16,98,357/- against total corrected amount of Award of Rs.1,10,67,412/- (original award amount is Rs.1,15,10,481/-) i/c interest @ 11% from 21.04.2014 to 26.07.2017 provided you accept the same as final and binding. Please intimate that you agree to accept payment of the sum awarded in full and final settlement of all your claims forming the subject matter of the reference to arbitration in the above case.

Yours faithfully

s/d

Executive Engineer
For and on behalf of the President of India”

2. The learned counsel appearing for the respondent states that the respondent is agreeable to accept the payment as indicated in the said letter, as full and final settlement of all their claims.
3. The learned counsel appearing for the petitioner states that the petitioner has filed the present petition after the said letter was sent, and, therefore, the said letter may be ignored.
4. It is difficult to accept the aforesaid contention. There is no dispute that the petitioner had sent the aforesaid letter to the respondent communicating that it had decided to accept the award for an amount of ₹64,26,089/- and had further called upon the respondent to accept the same.
5. Admittedly, the said letter has not been withdrawn as yet and the learned counsel appearing for the respondent unequivocally states, on

instructions, that the same is acceptable to the respondent.

6. In view of the above, the petitioner cannot resile from its offer. It is also apparent that the present petition does not survive in view of the petitioner having accepted the award to the extent of ₹64,26,089/-. The petition is, accordingly, disposed of. The pending application also stands disposed of in view of the above.

VIBHU BAKHRU, J

MARCH 09, 2018
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