

O.A.No.842 of 2019

PUSHPA SATHYANARAYANA, J.

This Original Application is filed seeking an order of interim injunction, restraining the respondents from initiating any penal action in pursuance of seven days notice dated 03.09.2019.

2.As per the said notice, as there was no adequate progress of work, the said seven days notice was issued in accordance with Clause 62 of General Conditions of Contract to make good the progress, failing which the contract may be terminated. The said notice was issued on 03.09.2019.

3.The learned counsel for the respondents pointed out that the contract cannot be terminated at the end of the seventh day as it requires another 48 hours notice to be given to the applicant.

4.It is also not in dispute that the applicant has already invoked arbitral proceedings, making the claim against the respondents. The learned counsel for the applicant also expressed his willingness to continue with the project showing considerable progress and also the fact that since the seven days as contemplated in the impugned notice, is already over, the application itself has become infructuous.

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5.Accordingly, this application is closed as infructuous. It is open to the parties to work out their remedies as per law.

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20.11.2019

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