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IN THE HIGH COURT OF DELHI AT NEW DELHI

O.M.P.(MISC.)(COMM.) 64/2019

KMC CONSTRUCTIONS LTD.

..... Petitioner

Through Dr. Amit George, Mr. Priyabrat
Tripathy, Mr. Rishabh Pheer and Mr.
Amol Acharya, Advs.

versus

**NATIONAL HIGHWAYS & INFRASTRUCTURE
DEVELOPMENT CORPORATION LIMITED**

..... Respondent

Through Mr. Rajiv Bansal, Sr. Adv. with Mr.
Prasenjit Keswani, Mr. Raghvendra
Pratap Singh, Ms. Akshita Rao and
Ms.Parul Panthi, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **01.05.2019**

1 This is an application filed under Section 29A of the Arbitration
and Conciliation Act, 1996 (in short '1996 Act').

2 Upon notice being issued, the respondent has filed its reply.

3 Learned counsel for the parties say that the petition can be
disposed of based on the following agreed directions:

(i) Time for concluding arbitration proceedings and rendering an
Award is extended by another six months, commencing from today.
Accordingly, the time between 08.02.2019 and today shall stand
regularized.

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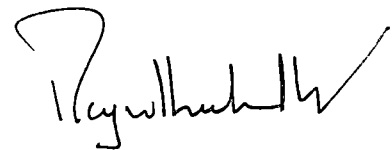
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(ii) The Arbitral Tribunal will deal with the preliminary objection raised by the respondent with regard to the import and effect of the second supplementary agreement dated 17.01.2018.

(ii)(a) It will be open to the Arbitral Tribunal to deal with this objection along with other claim(s). It is obvious that if the preliminary objection raised by the respondent which concerns accord and satisfaction is sustained, then, the petitioner's claim(s) on merits will not be adjudicated upon by the Arbitral Tribunal.

(iii) The respondent will have liberty to move an application before the Arbitral Tribunal for recording oral evidence. In case such an application is moved, the Arbitral Tribunal will decide the same in accordance with law after taking into objections, if any, raised on behalf of the petitioner.

4 *Dasti.*



RAJIV SHAKDHER, J

MAY 01, 2019

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