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

+ **FAO(OS) (COMM) 43/2019**

M/S HINDUSTAN CONSTRUCTION CO LTD Appellant

Through: Mr.Ciccu Mukhopadhyay,
Sr.Advocate with Mr.Rishi Agrawala,
Mr.Ankit Banati & Ms.Shruti Arora,
Advocates.

versus

NATIONAL HIGHWAYS AUTHORITY OF INDIA Respondent

Through: Ms.Sunita Bansal with Mr.Uday
Chauhan & Ms.Shivangi Bajoria,
Advocates along with Mr.Bhuvanesh
Shukla, GM (Tec) NHAI.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

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26.02.2019

C.M. APPL.9156/2019 (Exemption)

1. Allowed, subject to all just exceptions.

C.M. APPL.9157/2019 (Delay)

2. For the reasons stated in the application, the delay in refiling the appeal is condoned and the application is disposed of.

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3. The appeal has been filed against the impugned order dated 13th November 2018 to the limited extent that the learned Single Judge has

declined to interfere with the award as far as dispute no. 8 is concerned. In that regard, the learned Single Judge observed that the issue is covered against the Appellant, by the judgment of the Supreme Court in *National Highway Authority of India v. M/s. Progressive MVR (JV) 2018 SCC Online SC 155*.

4. Having examined the impugned order and the aforementioned decision of the Supreme Court, and having heard the submissions of learned Senior counsel for the Appellant, this Court is not inclined to interfere. The appeal is dismissed.

S.MURALIDHAR, J

SANJEEV NARULA, J

FEBRUARY 26, 2019 / tr