

\$~3

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

+ W.P.(C) 11142/2018 & CM No. 43321/2018

MANOJ KUMAR THAKUR Petitioner

Through: Mr S. Prem Chandra, Advocate.

versus

THE GOVT. OF NCT OF DELHI CIVIL DIVISION

NO.II, I AND FC DEPTT, DELHI Respondent

Through: Mr Gautam Narayan, ASC, GNCTD
with Ms Shivani Vij, Advocates for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **07.01.2019**

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“a, Quash the Order dated 12.02.2016 passed by the respondent vide letter no.EE/CD II/Acs/W-07/2015-2016/6139.

b. Issue appropriate Writ/Direction/Order to the respondent restraining him from determine/rescind the contract of the petitioner vide Agreement No.EE/CD-II/Agmt. No.01/2015-2016, with further direction to restore the work to the petitioner.

c. Issue appropriate direction to get the work completed by the petitioner.”

2. By an order dated 12.02.2016, the respondent had rescinded the contract awarded to the petitioner. Since the said action has already been

taken the question of passing any order restraining the respondent from determining or rescinding the contract does not arise. It is seen that the petitioner had filed a writ petition (*Manoj Kumar Thakur v. The Govt. of NCT of Delhi, Civil Division No.II, I & FC Deptt., Delhi: W.P.(C) 6554/2016*) seeking similar reliefs. The said writ petition was withdrawn by the petitioner with liberty to take steps in accordance with the arbitration clause between the parties.

3. The petitioner states that he has filed an appeal before the Chief Engineer in terms of the arbitration clause but no decision has been rendered as yet. Mr Gautam Narayan, learned counsel appearing for the respondent states that in such event, it is open for the petitioner to escalate the same to the Dispute Resolution Committee (DRC) failing which, the petitioner can invoke the arbitration clause.

4. The contentions advanced by Mr Narayan are merited. The petition is disposed of leaving it open for the petitioner to pursue his remedies in accordance with the arbitration clause, or, as otherwise available in law.

5. The pending application is also disposed of.

VIBHU BAKHRU, J

JANUARY 07, 2019
MK